



October 16, 2012 6:00 pm

1. Call to Order by Mayor Joe Brannen
2. Invocation and Pledge of Allegiance by Councilman John Riggs
3. Public Comments (Agenda Item):
4. Consideration of a Motion to approve the Consent Agenda
 - A) Approval of Minutes
 - a) October 2, 2012 Council Minutes
 - B) Notification of alcohol license applications:
 - a) Licensee: Tina & Van Anderson
DBA: Out of Ground
Location: 22 A West Main Street
Type of Alcohol License: Restaurant
Type of Business: Beer, Wine & Liquor by the Drink – Pouring Sales
 - b) Licensee: Michael Christopher Vickers
DBA: The Olive Garden Italian Restaurant #1837
Location: 201 Henry Blvd
Type of Alcohol License: Restaurant
Type of Business: Beer, Wine & Liquor by the Drink – Pouring Sale
 - c) Licensee: Daniel Adam Long
DBA: Eagle Creek Brewing Company LLC
Location: 403 South Zetterower Avenue
Type of Alcohol License: Manufacturing
Type of Business: Brewery (Packaged Sales)
 - C) Consideration of a Motion for the purchase of two standard cab F-150 trucks from RozierFord at a bid price of \$16,098.00 each for a total of \$32,196.00 (Rozier to match the lowest bid of Wade Ford per out 3% in-county advantage). (Please note that originally the bid only called for two (2) of the standard cabs for CIP number WWD 75, but due to the low price submitted, the Water Sewer Department wishes to add an additional unit for CIP number WWD 95.) This is for the Water/Sewer Department
 - D) Consideration of a Motion for the purchase of one standard cab F-150 truck from Prater Ford at a bid price of \$15,723.00. (This was offered as an alternative bid and is a 2012 model. We specified 2012 or 2013 models.) This is for the Water/Sewer Department
 - E) Consideration of a Motion for the purchase of one (1) extended cab F-150 truck from Rozier Ford at a bid price of \$20,731.00. (Rozier to match the lowest responsive bid of Prater Ford per our 3% in-county advantage.) This is for the Water/Sewer Department

- F) Consideration of a Motion for the purchase of one (1) crew cab F-150 truck from Rozier Ford at a bid price of \$22,969.00. This is for the Police Department.
 - G) Consideration of a Motion to award a contract to Aqua-Aerobic Systems, Inc. for the purchase of four (4) Aqua Disk Cloth Media Filters and recommended spare parts in the amount of \$ 1,526,648.00
 - H) Consideration of a Motion to Standardize the Fees for burial lots at the City owned Eastside Cemetery. Change in rates to become effective beginning January 1, 2013.
5. Public Hearing and Consideration of a Motion to approve the following:
- A) **APPLICATION # RZ 12-06-04**: DNA Properties requests a zoning map amendment from R-15 (Single-Family Residential) District to PUD (Planned Unit Development) District for property located on Zetterower Road (Tax Parcel # S14000028001).

 - APPLICATION # V 12-06-05**: DNA Properties requests a variance from Section 1402 of the Statesboro Zoning Ordinance regarding lot regulations for PUD (Planned Unit Development) for property located on Zetterower Road (Tax Parcel # S14000028001).

 - B) **APPLICATION # V 12-09-02**: Vaden Nissan of Statesboro, Inc., requests a variance from Article XV of the Statesboro Zoning Ordinance regarding signs for property located at 686 Brannen Street. (Tax Map # MS84000100000)

 - C) **APPLICATION # SE 12-09-03**: Gracious Development, LLC requests a special exception be granted pursuant to the *Statesboro Zoning Ordinance* to allow the applicants to utilize the property located at 323 Johnson Street (Tax Parcel Number S11000011000) as a convenience store and/or a restaurant and that the property qualify for consideration for issuance of an alcohol license by the Mayor and City Council of the City of Statesboro.
6. Other Business from City Council
7. Public Comments (General)
8. Consideration of a Motion to enter into Executive Session to discuss “Potential Litigation” in accordance with **O.C.G.A.§50-14-3 (2012)**
9. Consideration of a Motion to Adjourn



**CITY OF STATESBORO
CITY COUNCIL MINUTES
OCTOBER 02, 2012**

A regular meeting of the Statesboro City Council was held on October 2nd, 2012 at 9:00 am in the Council Chambers at City Hall. Present were Mayor Joe R. Brannen, Council Members: John Riggs, Gary Lewis and Travis Chance. Also present were City Manager Frank Parker, City Clerk Sue Starling, City Attorney Alvin Leaphart, City Engineer Robert Cheshire and Director of Community Development Mandi Cody. Absent was Mayor Pro Tem Will Britt

Invocation and Pledge of Allegiance was given by Councilman Travis Chance

Recognitions/Public Presentations

- a) Proclamation presented for the retiring of Councilman Tommy Blicht**
- b) Employee of the Month-Joe Hollingsworth- Supervisor in the Natural Gas Department**

Mayor Brannen presented Tommy Blicht with a proclamation to recognize his retirement as Councilman of the City of Statesboro. A reception was given after the Council meeting to honor him.

Director of Human Resource Jeff Grant presented the Employee of the Month to Joe Hollingsworth, Supervisor in the Gas Department.

Public Comments (Agenda Item): None

Consideration of a Motion to approve the Consent Agenda

- A) Approval of Minutes**
 - a) 09-18-2012 Council Minutes**
 - b) 09-20-2012 Called Council minutes**
- B) Recommendation for contract award to HEMCO Inc. for the installation of a generator at Public Works per the lowest responsive bid of \$47,380.00.**
- C) Recommendation to award the right to purchase City of Statesboro owned property located on 108 Proctor Street to Kimball Ellis who offered the highest bid of \$21,500.**
- D) Consideration of a Motion to approve an Outdoor Event Permit**
 - a) University Plaza- Jon Starkey**
- E) Consideration of a Motion to approve "Vehicle for Hire"**
 - a) D W Yellow Cab- Helen Swinson Perkins (driver)**

Councilman Riggs made a motion, seconded by Councilman Chance to approve the consent agenda in its entirety. Councilman Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

**Consideration of a Motion to approve “Vehicle for Hire”
a) Spells Taxi Service- John Wayne Darden (driver)**

Councilman Riggs made a motion, seconded by Councilman Chance to deny the application for John Wayne Darden based on the Police report. Councilman Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

Consideration of a Motion to approve the appointment of six (6) new personnel to the Statesboro Fire Department

Councilman Lewis made a motion, seconded by Councilman Riggs to approve the appointment of six (6) new personnel for the Statesboro Fire Department. Councilman Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 3-0 vote.

Other Business from City Council

Mayor Brannen welcomed Major Scott Brunson back to the Statesboro Police Department. He announced a brunch was being given for Safe Haven and also thanked the employees for preparing the reception for Councilman Tommy Blich.

Public Comments (General): None

Consideration of a Motion to Adjourn

Councilman Lewis made a motion, seconded by Councilman Chance to adjourn. Councilman Riggs, Lewis and Chance voted in favor of the motion. The motion carried by a 3-0 vote. The meeting was adjourned at 9:15 am.

CITY OF STATESBORO, GEORGIA

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

DATE OF APPLICATION _____ NEW RENEWAL _____

TYPE OF BUSINESS TO BE OPERATED:

- RETAIL BEER & WINE PACKAGED ONLY \$1,250.00
- RETAIL BEER & WINE BY THE DRINK \$1,250.00
- BEER, WINE & LIQUOR BY DRINK \$3,750.00
- WHOLESALE LICENSE \$1,000.00
- APPLICATION FEE - PACKAGED SALES \$ 150.00
- APPLICATION FEE - POURING SALES \$ 150.00

APPLICANTS FULL NAME Tina + Van Anderson

BUSINESS NAME Out of Ground

DBA Out of Ground

BUSINESS ADDRESS 22 A West Main St. Statesboro, Ga. 30458

BUSINESS MAILING ADDRESS same

BUSINESS TELEPHONE # 912-655-6579 (temp.) cell

APPLICANTS HOME ADDRESS _____

APPLICANTS HOME PHONE # _____

APPLICANTS AGE _____

ARE YOU A CITIZEN OF THE UNITED STATES? YES NO

HAVE YOUR EVER BEEN ARRESTED FOR ANYTHING? YES NO

IS THE APPLICANT THE OWNER OF THE BUSINESS? YES NO

IF NO, WHAT IS YOUR TITLE IN THE BUSINESS? _____

HOW MANY PARTNERS, SHAREHOLDERS, ETC. ARE INVOLVED IN THE BUSINESS 2

PLEASE LIST BELOW:

Tina Anderson Van Anderson

FOR OFFICE USE ONLY: APPROVED DENIED (REASON ATTACHED)

Police Department _____

Community Development _____

Fire Department _____

Building Official _____

CITY OF STATESBORO, GEORGIA

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

DATE OF APPLICATION 10-4-12 NEW RENEWAL

TYPE OF BUSINESS TO BE OPERATED:

- RETAIL BEER & WINE PACKAGED ONLY \$1,250.00
RETAIL BEER & WINE BY THE DRINK \$1,250.00
X BEER, WINE & LIQUOR BY DRINK \$3,750.00
WHOLESALE LICENSE \$1,000.00
APPLICATION FEE - PACKAGED SALES \$ 150.00
APPLICATION FEE - POURING SALES \$ 150.00

APPLICANTS FULL NAME Michael Christopher Vickers

OWNERS NAME GMRI, Inc.

DBA (BUSINESS NAME) The Olive Garden Italian Restaurant #1837

BUSINESS ADDRESS 201 Henry Blvd., Statesboro, GA 30458

BUSINESS MAILING ADDRESS Attn: Licensing, PO Box 695016, Orlando, FL 32869-5016

BUSINESS TELEPHONE # 407-245-4000 - 764-6688

APPLICANTS HOME ADDRESS

APPLICANTS HOME PHONE #

APPLICANTS AGE

ARE YOU A CITIZEN OF THE UNITED STATES? X YES NO

HAVE YOUR EVER BEEN ARRESTED FOR ANYTHING? YES X NO

IS THE APPLICANT THE OWNER OF THE BUSINESS? YES X NO

IF NO, WHAT IS YOUR TITLE IN THE BUSINESS? General Manager

HOW MANY PARTNERS, SHAREHOLDERS, ETC. ARE INVOLVED IN THE BUSINESS 1

PLEASE LIST BELOW:

GMRI, Inc. is a wholly owned subsidiary of Darden Restaurants, Inc., which owns 100% of GMRI, Inc. stock.

FOR OFFICE USE ONLY: APPROVED DENIED (REASON ATTACHED)

Police Department

Community Development

Fire Department

Building Official

CITY OF STATESBORO, GEORGIA

APPLICATION FOR ALCOHOLIC BEVERAGE LICENSE

DATE OF APPLICATION 10-9-12 NEW X RENEWAL _____

TYPE OF BUSINESS TO BE OPERATED:

- ____ RETAIL BEER & WINE PACKAGED ONLY \$1,250.00
- ____ RETAIL BEER & WINE BY THE DRINK \$1,250.00
- ____ BEER, WINE & LIQUOR BY DRINK \$3,750.00
- ____ WHOLESALE LICENSE \$1,000.00
- ____ APPLICATION FEE - PACKAGED SALES \$ 150.00
- ____ APPLICATION FEE - POURING SALES \$ 150.00
- X MANUFACTURING

APPLICANTS FULL NAME Daniel Adam Long

OWNERS NAME Daniel Long

DBA (BUSINESS NAME) Eagle Creek Brewing Company, LLC.

CHECK THE TYPE OF ALCOHOL LICENSE YOU ARE APPLYING FOR:
RESTAURANT _____ SPORTS RESTAURANT _____ PRIVATE CLUB _____ PACKAGE _____ Manufacture X

BUSINESS ADDRESS 403 South Zetterower Ave

BUSINESS MAILING ADDRESS 320 Pebblestone Trail, Statesboro, GA 30461

BUSINESS TELEPHONE # (912) 541-0517

APPLICANTS HOME ADDRESS _____

APPLICANTS HOME PHONE # _____

ARE YOU A CITIZEN OF THE UNITED STATES? X YES _____ NO

HAVE YOU EVER BEEN ARRESTED FOR ANYTHING? _____ YES X NO

IF YES, WHEN AND WHY _____

IS THE APPLICANT THE OWNER OF THE BUSINESS? X YES _____ NO

IF NO, WHAT IS YOUR TITLE IN THE BUSINESS? _____

HOW MANY PARTNERS, SHAREHOLDERS, ETC. ARE INVOLVED IN THE BUSINESS 1

PLEASE LIST BELOW:

Franklin Dismuke

Memo



TO: Frank Parker, City Manager

FROM: Darren Prather, Purchasing Director

DATE: 10-10-2012

Re: Recommendation: Bid Award Water Sewer & PD Trucks

The City of Statesboro recently requested sealed bids for the purchase of trucks for the Water/Sewer Department and the Police Department. The truck models in this bid are two (2) standard cab full-sized trucks (Water/Sewer), one (1) extended cab full-size truck (Water/Sewer) and one (1) crew-cab full-size truck (Police). An invitation to bid was sent to thirteen (13) dealers including all local dealerships. All dealers were contacted several times to remind them of the bidding opportunity. The bid opportunity was advertised per the requirements of the City of Statesboro's purchasing ordinance. The bid was designed to evaluate each truck bid based on the lowest bid for each individual truck. The sealed bids received are as follows:

<u>Vendor</u>	<u>Truck Type</u>	<u>Bid Price Each</u>
Rozier Ford	Std Cab	<u>\$16,210.00</u>
	Ext Cab	<u>\$20,803.00</u>
	Crew Cab	<u>\$22,969.00</u>
Wade Ford	Std Cab	<u>\$16,098.00</u>
	Ext Cab	\$20,755.00
	Crew Cab	\$23,173.00
Prater Ford	Std Cab	\$16,141.00
		<u>\$15,723.00 Alt Bid</u>
	Ext Cab	<u>\$20,731.00</u>
Vaden Nissan	Crew Cab	\$24,050.00
	Std Cab	No Bid
	Ext Cab	\$26,593.50
	Crew Cab	\$30,061.00

Note: The prices in bold are the lowest responsive offer per type of truck. However, we must apply the 3% in-county advantage. The underlined prices are lowest after taking this into account.

Having met all of the required specifications and offering the lowest sealed bid, we recommend the following:

1. **The purchase of two standard cab F-150 trucks from Rozier Ford at a bid price of \$16,098.00 each for a total of \$32,196.00 (Rozier to match the lowest bid of Wade Ford per our 3% in-county advantage). (Please note that originally the bid only called for two (2) of the standard cabs for CIP number WWD 75, but due to the low price submitted, the Water Sewer Department wishes to add an additional unit for CIP number WWD 95.)**
2. **The purchase of one standard cab F-150 truck from Prater Ford at a bid price of \$15,723.00. (This was offered as an alternative bid and is a 2012 model. We specified 2012 or 2013 models.)**
3. **The purchase of one (1) extended cab F-150 truck from Rozier Ford at a bid price of \$20,731.00. (Rozier to match the lowest responsive bid of Prater Ford per our 3% in-county advantage.)**
4. **The purchase of one (1) crew cab F-150 truck from Rozier Ford at a bid price of \$22,969.00.**

Memo

To: Frank Parker
From: Van H. Collins *V. H. Collins*
CC: Wayne Johnson, Sue Starling, Darren Prather
Date: 10/9/2012
Re: Recommendation to award a contract to Aqua-Aerobic Systems, Inc. for the purchase of four (4) Aqua Disk Cloth Media Filters and recommended spare parts in the amount of \$1,526,648.00

As you are aware, Mayor and Council approved at the September 20, 2012 Council meeting to "Sole Source" filters for the Wastewater Treatment Plant to Aqua-Aerobic Systems, Inc. With this approval, it has allowed staff to negotiate the sales price of the filters. The estimated price for the only the filters without spare parts or installation for budget purposes was \$1,630,000.00. After approval by Mayor and Council to "Sole Source", the original quote to purchase the filters from Aqua-Aerobic Systems, Inc. was \$1,576,648.00 plus an additional cost of \$8,319.00 for recommended spare parts. Therefore, the total purchase price for the filters with spare parts would have been \$1,584,967.00. After receiving this first quote, staff was successful to negotiate the reduction of the purchase price down to \$1,526,648.00, which includes the spare parts for a savings of **\$58,328.00**. Also, due to the City of Statesboro purchasing the filters, we are exempt from paying sales tax. This alone will save the City **\$106,865.36** on the negotiated sales price. If we had allowed the Contractor to purchase the filters, there would have been a 10% mark-up on their price of the filters, which would have cost the City an additional **\$152,665.80**. Therefore, with the City purchasing the filters, we were able to negotiate the sales price, not pay sales tax and not pay the Contractors mark-up, which saved a minimum of **\$317,859.16**. This is a fantastic savings to the City of Statesboro.

This project was approved in the 2012 Capital Improvement Program as WWD-109, with a funding of \$1,500,000.00 utilizing 2007 SPLOST, which has been carried forward to FY2013. The Engineering estimate for the total project is currently at \$2,370,750.00, which includes the purchase of the filters, installation of the filters, engineering fees and contingencies. With the savings that we will encounter by the City purchasing the filters, this project should come in below the engineers estimated cost of \$2,370,750.00. The reason for the increased estimate for this project is that the original scope of this project included only three (3) filters, but now includes four (4) filters. By adding this fourth filter, it will increase the average daily flow capacity from 8.31MGD to 11.08MGD. This adds some redundancy in case we have one filter off line for repairs, as well as increases the extent of treatment necessary to provide quality Reuse Water to customers.

We are currently providing Reuse Water to Georgia Southern University for irrigation purposes. Also, GSU is continually expanding their Reuse System throughout the Campus. The City is also currently under the design stages to extend the Reuse System and provide Reuse Water to the new Apartment Complexes located on Highway 301 South, Highway 67 and Lanier Road. These include The Forum, Monarch, Rucker 111, Lighthouse and Aspen Heights. By adding this additional filter we will be in a position in the future to increase the LAS (Reuse Permit) from 7.5MGD to 10MGD, which will match the

NPDES (Wastewater Discharge) Permit of 10MGD. This would mean that we could utilize 100% of the effluent that we normally would discharge to the stream to be diverted and utilized for Reuse Water.

I, you and Cindy West met several weeks back because of this increase in estimated cost and all the other Water/Sewer projects that have been committed to, to discuss the available funding to ensure that adequate funding is available. We determined that there is adequate funding for all the discussed projects, as well as additional funding available in the amount of approximately \$1,600,000.00 for other projects. The funding sources discussed was 2010 Bond Proceeds, 2007 SPLOST Funds, ATC Fees and Cash On Hand and anticipated funds from all the new Developments. We have not assumed utilizing any 2013 SPLOST Funds for the projects committed to.

Based on all the information above, I would like to recommend and request approval to award a contract to Aqua-Aerobic Systems, Inc. for the purchase of four (4) Aqua Disk Cloth Media Filters and recommended spare parts in the amount of \$1,526,648.00.

As always, I appreciate any consideration given to this request.



TO: City of Statesboro
302 Briarwood Road
Statesboro
Georgia 30458
USA

PROJECT: STATESBORO WWTP GA

ATTN: Wayne Johnson, Director of Water & Wastewater

PROPOSAL DATE: October 8, 2012

CC: Templeton & Associates / ph#: 770/614-8550 / fx#: 770/614-5992
Jon Baker

Hussey, Gay, Bell, & Deyoung, Inc. / ph#: 912/354-4626 / fx#: 912/354-6754
Jennifer Oetgen, P.E.

Aqua-Aerobic Systems - Regional Manager / ph#: 815/639-4554 / fx#: 815/654-2508
Paul Nelson

The following Notes apply to Aqua-Aerobic Systems' proposal:

- We are pleased to quote, for acceptance by November 15, 2012, prices and terms on equipment listed below.
- Equipment will be furnished by Aqua-Aerobic Systems, Inc. with unloading of goods, civil work, and installation by the Buyer.

Cloth Media Filters

AquaDisk Tanks/Basins

4 AquaDisk Model # ADFSP-54x12E-PC Package Filter 304 Stainless Steel Tank(s) consisting of:

- 12 disk tank(s) will be stainless steel, estimated dry weight is 13,000 lbs., and estimated operating weight is 60,500 lbs. Each tank will include an integral solids waste collection manifold.

The tank finish will be:

Interior: commercial sandblast (SSPC-SP6), painted with Devthane 379 Aliphatic Urethane Enamel (color "clear") 1 coats 2-3 mils DFT on the top 2 foot only.

Exterior: commercial sandblast (SSPC-SP6), painted with Devthane 379 Aliphatic Urethane Enamel (color "clear") 1 coats 2-3 mils DFT over the entire exterior.

- 3" threaded brass ball valve(s).

AquaDisk Centertube Assemblies

4 Centertube(s) consisting of:

- 304 stainless steel centertube weldment(s).
- U.H.M.W. polyethylene multi segment driven sprocket(s).
- Dual wheel assembly(ies).
- Rider wheel bracket assembly(ies).
- 304 stainless steel effluent seal plate(s).
- Centertube bearing kit(s).
- Viton V-ring effluent port/centertube seal(s).
- Pile cloth media and non-corrosive support frame assemblies.
- Disk segment 304 stainless steel support rods.
- Neoprene media sealing gaskets.

4 Cloth will have the following feature:

- Cloth will be OptiFiber PES-14.



AquaDisk Drive Assemblies

4 Drive System(s) consisting of:

- AGMA class I gearbox(es) with three phase 3/4 HP drive motor(s).
- Nylon drive sprocket(s).
- Acetal drive chain(s) with 304 stainless steel link pins.
- Stationary drive bracket weldment(s).
- Adjustable drive bracket weldment(s).
- Chain guard weldment(s).
- Warning label(s).

AquaDisk Backwash/Sludge Assemblies

4 Backwash System(s) consisting of:

- 304 stainless steel backwash shoe weldments.
- UHMW polyethylene backwash shoe nozzle plates
- 304 stainless steel backwash shoe support weldment(s).
- 1 1/2" flexible hose.
- Stainless steel backwash shoe springs.
- Stainless steel hose clamps.

4 Backwash/Solids Waste Pump(s) consisting of:

- Gorman Rupp model 12B20-B, 2HP, premium efficient, 3 phase externally mounted centrifugal backwash/waste pump(s).
- 316 stainless steel anchors.
- 0 to 15 psi pressure gauge(s).
- 0 to 30 inches mercury vacuum gauge(s).
- Bronze throttling gate valve(s).
- 3" threaded brass ball valve(s).

AquaDisk Instrumentation

4 Pressure Transmitter(s) consisting of:

- Level transmitter(s).

4 Float Switch(es) consisting of:

- Float switch(es).
- 304 stainless steel float switch support bracket(s).

4 Vacuum Transmitter(s) consisting of:

- Vacuum transmitter(s).

AquaDisk Valves

4 Set(s) of Backwash Valves consisting of:

- 2" full port, three piece, ASTM A351 Grade CF8M stainless steel body ball valve(s), grooved end connections with single phase electric actuator(s). Valve / actuator combination shall be manufactured by TCI / RCI (RCI, a division of Rotork), Nibco, or equal.
- 2" flexible hose.
- 2" painted cast iron victaulic end couplers.

4 Solids Waste Valve(s) consisting of:

- 2" full port, three piece, ASTM A351 Grade CF8M stainless steel body ball valve(s), grooved end connections with single phase electric actuator(s). Valve / actuator combination shall be manufactured by TCI / RCI (RCI, a division of Rotork), Nibco, or equal.
- 2" flexible hose.
- 2" painted cast iron victaulic end couplers.

AquaDisk Misc/Spare Parts

1 Lot of Recommended Spare Parts consisting of:

- (6) non-corrosive cloth media support frame assemblies.
- (12) pile media filter cloth(s).
- (1) Viton V-ring effluent port/centertube seal.
- (1) 2" full port, three piece, ASTM A351 Grade CF8M stainless steel body ball valve(s), grooved end connections with single phase electric actuator(s). Valve / actuator combination shall be manufactured by TCI / RCI (RCI, a division of Rotork), Nibco, or equal.

AquaDisk Controls w/Starters

4 Conduit Installation(s) consisting of:

- PVC conduit and fittings.

4 Control Panel(s) consisting of:

- NEMA 4X 304 stainless steel enclosure(s).
- Circuit breaker with handle.
- 2 KVA Transformer(s).
- Fuses and fuse blocks.
- Single phase circuit breaker(s).
- Line filter(s).
- GFI convenience outlet(s).
- Control relay(s).
- Selector switch(es).
- Indicating pilot light(s).
- MicroLogix 1400 PLC(s) with embedded digital and analog I/O.
- Ethernet switch(es).
- Hubbell Cat 6 Ethernet Cable.
- Power supply(ies).
- PanelView plus 700 with color touch screen display(s).
- Motor starter(s).
- Terminal blocks.
- UL label(s).
- Operator interface sun shield(s).

AquaDisk Engineering

6 Set(s) Documentation for the AquaDisk will be provided as described:

- Engineer's Approval Data (English language).

6 Set(s) Documentation for the AquaDisk will be provided as described:

- Operation & Maintenance Manuals (English language).

AquaDisk Supervision/Freight Domestic

1 Supervision Services and Freight Package(s) for the AquaDisk will be provided as follows:

- 8 Day(s) On Site for MECHANICAL SUPERVISION
- 2 Trip(s) for MECHANICAL SUPERVISION
- FREIGHT TO JOBSITE

The Following Notes apply to Aqua-Aerobic Systems' Proposal:

- PRICE ESCALATION INDEX: Aqua-Aerobic Systems, Inc. reserves the right to re-evaluate the pricing quoted prior to order acceptance if; 1) a purchase order is received after the validity date stated in this proposal or, 2) the lead times stated in this proposal are exceeded. Any pricing adjustments required shall be based on a published materials cost index specific to the materials proposed.
- Aqua-Aerobic Systems' notated drawing numbers 81117376002 through 81117376006 inclusive, all dated 5/30/2012 and drawing numbers 03 and 04, both dated July 2012 (copies included) are an integral part of this proposal. Clouded items represent Aqua-Aerobic Systems' scope of supply.

- Materials and Services not specifically described/itemized in this proposal are not included in the quoted total price, and are to be supplied by the installing contractor/purchaser.
- Valve and line sizes are to be verified by the engineer based on actual line losses.
- All valve couplings of the backwash \ sludge installations shall be Victaulic grooved end type connections.
- All piping, supports, gaskets, and hardware beyond Aqua-Aerobic Systems' equipment terminations are to be supplied by the installing contractor/purchaser.
- Two backwash pumps, two gate valves, and two ball valves per filter ship loose. Interconnecting piping, wiring, and installation is to be supplied by the installing contractor/purchaser.
- All flanges or unions in the piping to service the equipment, are not included and are to be provided by the installing contractor/purchaser.
- Electrical wiring and supply power is to be supplied by the installing contractor/purchaser.
- Installation and field wiring of the control panel is to be supplied by the installing contractor/purchaser.
- Freeze protection may be required for outdoor installation in cold weather climates. All such protection, including but not limited to, heat tracing and insulation of pumps and piping, as well as protection against internal tank freezing, shall be provided and installed by the installing contractor.
- Filter gravity flow hydraulics and plant's capability to handle the backwash wastewater at 130 gpm per pump while not exceeding maximum of 12 feet of water pump discharge pressure is to be confirmed by the purchaser/Purchaser's Consulting Engineer. If more discharge head is required, alternative pumps are available but may result in additional cost.
- Backwash/solids waste piping from each filter to discharge trough to be provided by others and is recommended to be minimum 4 inch diameter.
- Supervision services included in Aqua-Aerobic Systems' proposal are based upon supply of the quantity of trips and days stated. Additional supervision services can be provided for an additional charge of \$1100/day plus travel and living expenses.
- Single phase motors will be 115 volt.
- Three phase motors will be 460 volt.

The Following Notes apply to Aqua-Aerobic Systems' Proposal:

- **SCHEDULE:** We expect submittals to be completed and in transit to you within 4* weeks after receipt of order with acceptable terms and conditions and guarantee of payment. We expect shipment of equipment (transit time excluded) to be approximately 12-14* weeks (first 2 units) and 16-18* weeks (second 2 units) from our receipt of approved engineer's submittal data and release for manufacture. Schedules may be adjusted at time of order placement, depending upon existing order backlog. Weeks quoted are actual working weeks.
- Aqua-Aerobic Systems will be closed for the Christmas Holidays beginning December 24, through January 2nd.
- **F.O.B. JOBSITE; TITLE AND RISK OF LOSS:** All prices and all shipments of goods are F.O.B. Jobsite City Location. It is the responsibility of the Buyer to unload shipments and utilizing the packing list and bill of lading provided with the shipment notate shortages/damages upon receipt of the shipments and notify Aqua-Aerobic in writing within 7 days of the shortages/damages to facilitate filing of a freight claim. Delivery of the goods sold hereunder by the carrier shall be deemed delivery to Buyer, and upon such delivery, title to such goods and risk of loss or damage shall be upon Buyer.
- **TAXES:** State and/or local taxes are not included in the price.
- **PAYMENT TERMS:** Subject to credit approval and guarantee of payment we offer:
 - 90% of purchase price of Units 1 & 2 payable within 30 days of shipment with remaining 10% due within 30 days of start up not to exceed 120 days from date of shipment.
 - 90% of purchase price of Units 3 & 4 payable within 30 days of shipment with remaining 10% due within 30 days of start up not to exceed 120 days from date of shipment.
- Shipment of units 3 & 4 will not occur until start up of units 1 & 2 has been provided.
- **SCOPE OF SUPPLY NOTE:** Aqua-Aerobic Systems' scope of supply and pricing is as described in this proposal including the listed Integral Documents and terms and conditions of sale. Please refer to the proposal notes for equipment terminations and items not included in the proposal which are to be provided by the Buyer. Engineer's submittal data will be prepared using these proposed goods and services, and the submittal approved by the

Consulting Engineer will become an integral part of the scope of supply under the contract resulting from this offer. Any additions or deletions to the scope of supply will be presented as change orders.

- INTEGRAL DOCUMENTS: The following documents are an integral part of Aqua-Aerobic Systems' proposal:

1. Aqua-Aerobics' Design # 129732 and Design Notes dated 9/24/12.
2. All documents listed on Aqua-Aerobics' proposal/bid package "Table of Contents" document dated September 27, 2012
3. Drawing numbers 03 and 04, both dated July 2012 and Aqua-Aerobic Systems' notated Drawing numbers 81117376002 through 81117376006 inclusive, all dated 5/30/2012 (copies included) are an integral part of this proposal. Clouded items represent Aqua-Aerobic Systems' scope of supply.

- TRADEMARKS: Aqua-Aerobic, AquaDisk, Aqua MiniDisk, AquaDiamond, OptiFiber, AquaABF, Turbillite, and the Aqua-Aerobic logo are registered trademarks of Aqua-Aerobic Systems, Inc. All other products and services mentioned are trademarks of their respective owners.

GOODS QUOTED ABOVE WILL BE SOLD SUBJECT ONLY TO THE TERMS AND CONDITIONS OF SALE SET FORTH HEREIN. ANY DIFFERENT OR ADDITIONAL TERMS ARE HEREBY OBJECTED TO.

Total Price: \$1,526,648

TERMS AND CONDITIONS OF AQUA-AEROBIC SYSTEMS, INC.

Page 1 of 2

This offer and all of the goods and sales of Aqua-Aerobic Systems, Inc. are subject only to the following terms and conditions. The acceptance of any order resulting from this proposal is based on the express condition that the Buyer agrees to all the terms and conditions herein contained. Any terms and conditions in any order, which are in addition to or inconsistent with the following, shall not be binding upon Aqua-Aerobic Systems, Inc. This proposal and any contract resulting therefrom, shall be governed by and construed in accordance with the laws of the State of Illinois, without regard to conflicts of laws principles.

PAYMENT

Unless specifically stated otherwise, quoted terms are Net 30 Days from shipping date. Past-due charges are 1.5% per month and will apply only on any past-due balance. Aqua-Aerobic Systems, Inc. does not allow retainage of any invoice amount, unless authorized in writing by an authorized representative of our Loves Park, Illinois office.

DURATION OF QUOTATION

This proposal of Aqua-Aerobic Systems, Inc. shall in no event be effective more than 30 days from date thereof, unless specifically stated otherwise, and is subject to change at any time prior to acceptance.

SHIPMENT

Shipping dates are not a guarantee of a particular day of shipment and are approximate, being based upon present production information, and are subject to change per the production schedules existing at time of receipt of purchase order. Aqua-Aerobic Systems, Inc. shall not be responsible for any delay in shipment for causes beyond its control including, but not limited to, war, riots, strikes, labor trouble causing interruption of work, fires, other casualties, transportation delays, modification of order, any act of governmental authorities or acts of God. Quoted shipment dates in this proposal are approximate dates goods will be shipped and, unless agreed to in writing by Aqua-Aerobic Systems, Inc., Buyer may not postpone or delay the dates of shipment of goods from our plant or from our supplier's plants beyond the dates set forth in this proposal.

TITLE AND RISK OF LOSS

All prices and all shipments of goods are F.O.B. Aqua-Aerobic Systems, Inc.'s plant at Loves Park, Illinois unless specifically stated otherwise. Delivery of the goods sold hereunder to the carrier shall be deemed delivery to the Buyer, and upon such delivery, title to such goods and risk of loss or damage shall be upon Buyer.

TAXES

Prices quoted do not include any taxes, customs duties, or import fees. Buyer shall pay any and all use, sales, privilege or other tax or customs duties or import fees levied by any governmental authority with respect to the sale or transportation of any goods covered hereby. If Aqua-Aerobic Systems, Inc. is required by any taxing authority to collect or to pay any such tax, duty or fee, the Buyer shall be separately billed at such time for the amounts Aqua-Aerobic Systems, Inc. is required to pay.

INSURANCE

Unless the goods are sold on a CIF basis, the Buyer shall provide marine insurance for all risks, including war and general coverage.

SECURITY

If at any time the financial responsibility of the Buyer becomes unsatisfactory to Aqua-Aerobic Systems, Inc., or Aqua-Aerobic Systems, Inc. otherwise deems itself insecure as to receipt of full payment of the purchase price from Buyer hereunder, Aqua-Aerobic Systems, Inc. reserves the right to require payment in advance or security or guarantee satisfactory to Aqua-Aerobic Systems, Inc. of payment in full of the purchase price.

LIMITATION OF ACTION

No action shall be brought against Aqua-Aerobic Systems, Inc. for any breach of its contract of sale more than two years after the accrual of the cause of action thereof, and, in no event, unless the Buyer shall first have given written notice to Aqua-Aerobic Systems, Inc., of any claim of breach of contract within 30 days after the discovery thereof.

CANCELLATION CLAUSE

No acceptance of this proposal, by purchase order or otherwise, may be modified except by written consent of Aqua-Aerobic Systems, Inc. nor may it be cancelled except by prior payment to Aqua-Aerobic Systems, Inc. the following sums as liquidated damages therefore: 1) If cancellation is prior to commencement of production and prior to the assumption of any obligations by Aqua-Aerobic Systems, Inc. for any materials or component parts, a sum equal to 15% of the total purchase price; 2) If cancellation is after the commencement of production or after the assumption of any obligations by Aqua-Aerobic Systems, Inc. for any materials or component parts, a sum equal to the total of the direct, out-of-pocket expenses incurred to the date of cancellation for labor, machine time, materials and any charges made to us by suppliers for cancellation, plus 30% of the total purchase price. All charges and expenses shall be as determined by Aqua-Aerobic Systems, Inc. In the event any items are used by Aqua-Aerobic Systems, Inc. to fill a subsequent order, then upon receipt of payment for such order, Aqua-Aerobic Systems, Inc. shall pay the Buyer a sum equal to the direct out-of-pocket expenses previously charged and received from Buyer.

PROPRIETARY INFORMATION

This proposal, including all descriptive data, drawings, material, information and know-how disclosed by Aqua-Aerobic Systems, Inc. to Buyer in relation hereto is confidential information intended solely for the confidential use of Buyer, shall remain the property of Aqua-Aerobic Systems, Inc. and shall not be disclosed or otherwise used to the disadvantage or detriment of Aqua-Aerobic Systems, Inc. in any manner.

TERMS AND CONDITIONS OF AQUA-AEROBIC SYSTEMS, INC.

Page 2 of 2

QUALIFIED ACCEPTANCE AND INDEMNITY

In the event the acceptance of this proposal by Buyer either is contingent upon or subject to the approval by any third party such as, but not limited to, a consulting engineer, with respect to goods, parts, materials, descriptive data, drawings, calculations, or any other matter, then upon such approval by any third party, Aqua-Aerobic Systems, Inc. shall have no liability to Buyer or to any third party so long as the goods sold and delivered by Aqua-Aerobic Systems, Inc. conform to this proposal. In the event any such third party requires modifications in the proposal prior to the approval thereof, Aqua-Aerobic Systems, Inc. may at its sole option and without liability to any party elect to cancel this proposal or return the purchase order to Buyer. In the event Aqua-Aerobic Systems, Inc. elects to modify this proposal to conform to the requirements for approval by any third party, Aqua-Aerobic Systems, Inc. in such event shall have no liability to Buyer or to any third party so long as the goods sold and delivered by Aqua-Aerobic Systems, Inc. conform to this proposal as modified.

Buyer agrees to indemnify and save harmless Aqua-Aerobic Systems, Inc. from and against all costs and expenses and liability of any kind whatsoever arising out of or in connection with claims by third parties so long as the goods sold hereunder conform to the requirements of this proposal as approved by any third party.

WARRANTY; LIMITATION OF LIABILITY; AND DISCLAIMER

In return for purchase and full payment for Aqua-Aerobic Systems, Inc. goods, we warrant new goods provided by us to be free from defects in materials and workmanship under normal conditions and use for a period of one year from the date the goods are put into service, or eighteen months from date of shipment (whichever first occurs). If the goods include an "Endura Series" motor, the complete Endura Series unit shall be warranted by Aqua-Aerobic to be free from defects in materials and workmanship under normal conditions and use for three years from the date the product is put into service or 42 months from the date of shipment (whichever occurs first).

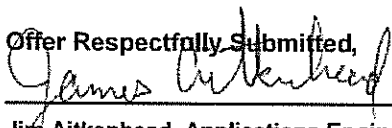
OUR OBLIGATION UNDER THIS WARRANTY IS EXPRESSLY AND EXCLUSIVELY LIMITED to replacing or repairing (at our factory at Loves Park, Illinois) any part or parts returned to our factory with transportation charges prepaid, and which our examination shall show to have been defective. Prior to return of any goods or its parts to our factory, Buyer shall notify Aqua-Aerobic Systems, Inc. of claimed defect, and Aqua-Aerobic Systems, Inc. shall have the privilege of examining the goods at Buyer's place of business at or where the goods have otherwise been placed in service. In the event this examination discloses no defect, Buyer shall have no authority to return the goods or parts to our factory for the further examination or repair. All goods or parts shall be returned to Buyer, F.O.B. Loves Park, Illinois. This warranty shall not apply to any goods or part which has been repaired or altered outside our factory, or applied, operated or installed contrary to our instruction, or subjected to misuse, chemical attack/degradation, negligence or accident. This warranty and any warranty and guaranty of process or performance shall no longer be applicable or valid if any product, including any software program, supplied by Aqua-Aerobic Systems, Inc., is modified or altered without the written approval of Aqua-Aerobic Systems, Inc. Our warranty on accessories and component parts not manufactured by us is expressly limited to that of the manufacturer thereof.

THE FOREGOING WARRANTY IS MADE IN LIEU OF ALL OTHER WARRANTIES, EXPRESS OR IMPLIED, AND OF ALL OTHER LIABILITIES AND OBLIGATIONS ON OUR PART, INCLUDING ANY LIABILITY FOR NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE; AND ANY IMPLIED WARRANTY OF MERCHANTABILITY OR FITNESS FOR A PARTICULAR PURPOSE IS EXPRESSLY DISCLAIMED; AND WE EXPRESSLY DENY THE RIGHT OF ANY OTHER PERSON TO INCUR OR ASSUME FOR US ANY OTHER LIABILITY IN CONNECTION WITH THE SALE OF ANY GOODS PROVIDED BY US. THERE ARE NO WARRANTIES OR GUARANTEES OF PERFORMANCE UNLESS SPECIFICALLY STATED OTHERWISE.

UNDER NO CIRCUMSTANCES, INCLUDING ANY CLAIM OF NEGLIGENCE, STRICT LIABILITY, OR OTHERWISE, SHALL AQUA-AEROBIC SYSTEMS, INC. BE LIABLE FOR ANY INCIDENTAL OR CONSEQUENTIAL DAMAGES, COSTS OF CONNECTING, DISCONNECTING, OR ANY LOSS OR DAMAGE RESULTING FROM A DEFECT IN THE GOODS. LIMIT OF LIABILITY: AQUA-AEROBIC SYSTEMS, INC.'S TOTAL LIABILITY UNDER THE ABOVE WARRANTY IS LIMITED TO THE REPAIR OR REPLACEMENT OF ANY DEFECTIVE PART. THE REMEDIES SET FORTH HEREIN ARE EXCLUSIVE, AND OUR LIABILITY WITH RESPECT TO ANY CONTRACT OR SALE, OR ANYTHING DONE IN CONNECTION THEREWITH, WHETHER IN CONTRACT, IN TORT, UNDER ANY WARRANTY, OR OTHERWISE, SHALL NOT, IN ANY CASE, EXCEED THE PRICE OF THE GOODS UPON WHICH SUCH LIABILITY IS BASED.

Final acceptance of this proposal must be given to Aqua-Aerobic Systems, Inc. at their office in Loves Park, Illinois. Please acknowledge acceptance by signing the proposal and returning it to Aqua-Aerobic Systems, Inc.

Accepted by: _____
Company: _____

Offer Respectfully Submitted,


Jim Aitkenhead, Applications Engineer
Aqua-Aerobic Systems, Inc.

By: _____ Date: _____



MEMORANDUM

To: Frank Parker, City Manager
From: Robert Cheshire P.E., City Engineer *RC*
Re: Standardizing Fees for Burial Lots at Eastside Cemetery
Date: October 9, 2012

Since 2007, we have been charging differing rates for the same size lots located in different sections in the City owned Eastside Cemetery. The reason being that City Council set higher rates for the recently expanded section known as the "Cone Section" at \$2000.00 per 2-grave lot (\$1000.00 per 1-grave lot). However, the rates for all other graves within the Eastside Cemetery remained at the rates established back in 1997 at \$750.00 per 2-grave lot (\$375.00 per 1-grave lot). At this point, there are only a few open graves remaining in the older sections of the cemetery, and most of those are unsellable because they are located at the ends of aisles where vehicle traffic is heavy and sometimes causes damage to the lot corners. At present, the only time we sell a lot anywhere other than the new Cone Section is when someone sells a cemetery lot back to the City and we in turn resell it. In this scenario, the City often loses money because we are required by ordinance to purchase the lot back at the original amount paid plus 2% interest per year from the date of purchase. Therefore, if the City repurchases a lot that was sold after 1997 for \$750.00, we will actually lose money when we resell the lot at the current rate of \$750.00 because of the added interest paid to the original purchaser of the lot.

To remove the disparity in the rates charged to purchase the exact same size lots only in different sections of the cemetery, and to reduce the confusion that often occurs because of this disparity in rates, I would respectfully request of the Mayor and City Council that they formally set the **purchase price for all Eastside Cemetery lots at \$2000.00 per 2-grave lot (\$1000.00 per 1-grave lot) and that this change in rates become effective beginning January 1, 2013.**

I appreciate your consideration as well as that of the Mayor and City Council.

Cc: Brad Deal, Assistant City Engineer
David Hendrix, Assistant City Engineer
Marcos Trejo, Engineer I



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

» (912) 764-0630
 » (912) 764-0664 (Fax)

RZ 12-06-04 & V 12-06-05
ZONING MAP AMENDMENT & VARIANCE REQUEST
ZETTEROWER ROAD

LOCATION: Zetterower Road

REQUEST: Rezone from R15 (Single Family Residential) to PUD (Planned Unit Development) and a variance from 10 acre minimum for PUD.

APPLICANT: DNA Properties

OWNER(S): DNA Properties

LAND AREA: 2.84 acres

PARCEL TAX MAP #s: S14000028001

COUNCIL DISTRICT: District 1



PROPOSAL:

The applicant is requesting a zoning map amendment of approximately 2.84 acres located on Zetterower Road from R15 (Single Family Residential) District to PUD (Planned Unit Development) as well as a variance from Article XIV, Section 1402 of the *Statesboro Zoning Ordinance* which requires a ten (10) acre minimum lot size for a PUD (Planned Unit Development). The intent of the zoning map amendment is to apply zoning regulations that accommodate the unique land use needs associated with this type of development. (See **Exhibit B** – Location Map & **Exhibit C** – Sketch Plan)

BACKGROUND:

The subject site is currently zoned R15 (Single Family Residential). This vacant lot was rezoned in 2004 from R20 (Single Family Residential) with 20,000 square foot minimum lot sizes to R15 (Single Family Residential) with 15,000 square foot minimum lot sizes with the anticipation of possible subdivision of the parcel into seven smaller lots for single family homes.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R20 (Single Family Residential)	Residential
SOUTH:	R20 (Single Family Residential)	Residential
EAST:	R20 (Single Family Residential)	Residential & Educational Facilities
WEST:	R20 (Single Family Residential) & HOC (Highway Oriented Commercial)	Vacant, Residential, & Commercial

The subject property is located in a primarily residential use area with the property’s eastern property line surrounded by parcels zoned R20 (Single Family Residential) and utilized by Mattie Lively Elementary School as an educational learning facility. The southern, northern, and western parcels are also zoned R20 (Single Family Residential) and

includes several single family homes, a daycare, and a major residential subdivision while much of the southwestern portions remain vacant zoned HOC (Highway Oriented Commercial). (See Exhibit C)

COMPREHENSIVE PLAN:

The subject site lies within the “Developing” character area as identified by the City of Statesboro Future Development Map adopted by the *City of Statesboro Comprehensive Plan*. The “Developing” character areas are identified as being primarily residential consisting largely of single family homes. Undeveloped areas are under pressure to grow in a suburban manner. Development patterns should be evaluated to maximize opportunities for appropriate blending of residential, office, and commercial development.

Small to mid-size retail and commercial, office, single family, and multifamily residential are all appropriate land uses for properties within the Developing character areas. Some suggested development and implementation strategies for the area include the following:

- Large new developments should be master-planned to include mixed-uses wherever appropriate.
- New developments should provide recreational facilities and open space to meet the needs of their residents.
- Promote street design that fosters traffic calming such as narrower residential streets, on-street parking, and addition of bicycle and pedestrian facilities.

Statesboro Comprehensive Plan, Community Agenda pages 16-17.

As illustrated in the *Comprehensive Plan*, master planned development in this area is favorable. This development is proposing a unique and innovative design including a narrower roadway with interconnected sidewalks for pedestrian access to a community courtyard. Utilizing the subject site as a Planned Unit Development containing smaller homes on smaller lots contributes to realizing the aforementioned goals set forth by the *Comprehensive Plan* with the subject site being surrounded by single family residential with larger lot sizes, commercial uses, and a school to the east. See **Exhibit B**.

“Planned Unit Developments, or PUDs, typically offer greater flexibility in development standards than a conventional zoning district. With this flexibility, there is also an opportunity to include housing diversity, mixed uses, and amenities. A PUD should be viewed as an alternative available for regulating development when existing land use regulations may not adequately address unique circumstances or opportunities for a particular development. The City may grant more leeway in the certain areas of the regulations for a PUD, but in exchange, there are expectations of the development community for additional design features, amenities, etc.” *Statesboro Comprehensive Plan, Community Agenda* pages 41-42.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject site is currently served by city utilities including water and sewer, sanitation, and public safety services. No significant impact is expected on community facilities as a result of this request.

ENVIRONMENTAL:

The subject property does not contain wetlands and is not located in a special flood hazard area. There are no unusual environmental issues expected should this request be granted. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

The 2.84 acre subject site is currently zoned R15 (Single Family Residential) as a result of a decision by Mayor and City Council to grant a rezone due to the applicant's anticipation of subdividing the parcel into seven lots. The applicant's request to rezone the property from R15 (Single Family Residential) to PUD (Planned Unit Development) containing only residential uses would allow for a planned development of approximately 17 single family homes on a minimum of 4,000 square foot lot sizes rather than the required 15,000 square foot lot sizes. Article XIV of the *Statesboro Zoning Ordinance* requires a minimum lot size of 10 acres for a Planned Unit Development; thus, as a 2.84 acre site, the applicant has requested a variance from the PUD lot size requirement in addition to the rezone.

A Planned Unit Development, hereafter referred to as “PUD”, is defined as an area of land to be developed for a number of dwelling units, the plan for which does not correspond in lot size, type of dwelling, density, lot coverage, required open space, etc. to the regulations established in any one or more districts created under the provisions of the zoning ordinance. The purpose of a PUD district is to achieve great flexibility in the use and design of structure and land while providing a more desirable living environment than would be possible through the application of the zoning ordinance requirements. In addition, a PUD zoning designation encourages developers to use a more creative approach and desirable use of open land.

The applicant's proposed PUD is intended to address the unique needs associated with the residential development proposed by this application. The applicant wishes to develop the site with a unique and innovative approach similar to the increasingly popular conservation subdivisions known as "pocket" or "cluster neighborhoods".

"Many Planned Unit Developments use cluster development as a technique, but the planned unit development concept typically encompasses more". *Land Use Planning & Development Regulation Law* page 286.

The request to rezone the 2.84 acre subject property from R15 (Single Family Residential) district to PUD (Planned Unit Development) district should be considered in light of the standards for determination of zoning map amendments given in Section 2007 of the *Statesboro Zoning Ordinance*; the vision and community policies articulated within the city's two (2) primary land use policies: The *Statesboro Comprehensive Plan* and the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*; and the potential for the property to develop in conformance with the requirements of the proposed PUD (Planned Unit Development) zoning district for residential uses as set forth in the *Statesboro Zoning Ordinance*.

Section 2007 of the Statesboro Zoning Ordinance provides eight (8) standards for the Mayor and City Council to consider "in making its determination" regarding a zoning map amendment and "balancing the promotions of the public health, safety, morality (morals), and general welfare against the right of unrestricted use of property." Those standards are numbered below 1-8. Staff findings regarding some of the factors are given for Council's consideration of the application:

- (1) Existing uses and zoning or (of) property nearby;**
 - o Existing uses and zoning of nearby property range from commercial and educational facilities to single family residential homes. According to the *Statesboro Comprehensive Master Plan*, this area is under pressure to grow in a mixed use manner. Mixed use can be defined as the use of a building or neighborhood for more than one purpose. Mixed use developments provide a range of commercial and residential unit sizes and options while maintaining the intent and character of the area.
 - o "Spot Zoning is or may be the rule in a PUD, rather than something to be avoided." *Land Use Planning & Development Regulation Law* page 286.
 - o Although this property is surrounded by mostly R20 (Single Family Residential) Districts that require 20,000 square foot lots, many of those lots are, in fact, smaller than the standard with sizes ranging from 10,000 to 16,000 square foot lots.
- (2) The extent to which property values are diminished by the particular zoning restrictions.**
 - o Property values should be expected to increase with the development of the proposed unique neighborhood with an open courtyard.
- (3) The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.**
 - o Safety is believed to be enhanced in pocket neighborhoods with a sense of closeness and familiarity of the surrounding neighbors.
- (4) The relative gain to the public, as compared to the hardship imposed upon the property owner.**
 - o This type of development offers the public a sense of community, particularly in an area that is undeveloped and under pressure to grow.
- (5) The suitability of the subject property for the zoned purposes.**
 - o The proposed land use does not meet the provisions of the *Statesboro Zoning Ordinance*; and, therefore, requires a PUD to address the unique needs associated with the proposed residential development with a variance to sanction such PUD.
 - o The proposed land use not only meets but also implements recommended provisions of the *Comprehensive Plan*.
 - o The property is currently a vacant residential zoned area that strives to develop in a residential manner with smaller homes and communal areas on smaller lot sizes to allow for a better use of the property as a planned development with a unique design. If subdivided, the parcels created would be inconsistent with the *Statesboro Zoning Ordinance* at its current zoning designation.
- (6) The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.**
 - o The property has been vacant and zoned single family residential for numerous years while the surrounding properties have developed in major ways, particularly the adjacent school.
- (7) The extent the proposed change would impact the following: population density in the area; community facilities; living conditions in the area; traffic patterns and congestion; environmental aspects; existing and future land use patterns; property values in adjacent areas;**
 - o Traffic counts for the immediate area (and thereby relative to the subject property's proposed use) states that the total average annual daily trips reached approximately 1,810 trips both ways for the year 2011 which is not expected to increase significantly with the applicant's request. Although the

addition of Mattie Lively school has since developed, no thru traffic enters or exits Zetterower Road for purposes of the school with the exception of school buses.

- The Bulloch County/City of Statesboro Long Range Transportation Plan does not express the need for pedestrian amenities along Zetterower Road. This segment of Zetterower Road is not currently served by sidewalks, curbs, or gutters but the proposed development is expected to contain interconnected sidewalks.
- The proposed use is not expected to have a negative impact on population density, community facilities, living conditions, traffic patterns and property values in adjacent areas given its residential nature with an access road, and is not expected to be negative or burdensome to the general public or surrounding property owners.

(8) Consistency with other governmental land use, transportation, and development plans for the community.

- The requested zoning map amendment is consistent with the policies articulated within the *2035 Bulloch County/City of Statesboro Long Range Transportation Plan*.
- As illustrated on the sketch plan submittal, the subject property can be developed in conformance with the requirements for the proposed PUD (Planned Unit Development) zoning district as set forth in the *Statesboro Zoning Ordinance*, given a variance is granted waiving the lot size requirement for PUD. **Exhibit A** lists general provisions particular to this development in regards to setback, parking, buffering, and other development requirements set forth in the *Statesboro Zoning Ordinance*.
- The *Statesboro Comprehensive Plan* adopts a goal of “promot[ing] infill and redevelopment” stating that “infill development, which consists of developing vacant lots dispersed in developed areas, strengthens neighborhoods and reinvests money into infrastructure which is already in place”. (*Community Agenda, page 51*). The requested utilization of the subject site would achieve this goal and apply the suggested development and implementation strategies for this property’s character area.

In addition, the proposed PUD may only be considered and/or permitted if a variance from Section 1402 is granted to allow a PUD on a parcel that is less than 10 acres. Section 1801 of the *Statesboro Zoning Ordinance* lists four factors that the Mayor and City Council may consider to be true when determining whether to grant a variance:

- (1) There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district;**
 - The subject site is 2.84 acres and does not meet the PUD lot regulations.
 - This subject site is irregular in shape and has uneven topography, making portions of the property undevelopable.
- (2) The special conditions and circumstances do not result from the actions of the applicant;**
 - The shape, topography, and most importantly size of the property are not the result of any actions of the applicant.
- (3) The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
 - Applying the 10 acre minimum lot size requirement for PUD (Planned Unit Developments) would deny the applicant the opportunity to create a unique residential design due to the irregular shape and size of the lot.
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
 - This request, if granted, would not cause substantial detriment to the public good. This proposal would apply the intent of the zoning regulations by permitting unique design to a vacant undeveloped property as well as implement adopted strategies of the *Comprehensive Plan*.

STAFF RECOMMENDATION:

Should a Zoning Map Amendment be granted, staff has suggested development regulations for City Council to consider in **Exhibit A**.

PLANNING COMMISSION RECOMMENDATION:

The Planning Commission voted 5-0 to recommend approval of the Zoning Map Amendment and Variance requested by Application RZ 12-06-04 & V 12-06-05 with staff suggested development regulations listed in **Exhibit A**.

(Please note: Unless otherwise stated in any formal motion by City Council, staff considers the conceptual site plan (Exhibit C) submitted on behalf of the applicant for this request to be illustrative only. Approval of the application does not constitute approval of any final building or site plan).

EXHIBIT A – GENERAL PROVISIONS FOR RZ 12-06-04

The PUD (Planned Unit Development) District for the property proposed within Zoning Map Amendment RZ 12-06-04, and listed in the case file at the time of adoption by Statesboro City Council as Zetterower Road or Tax Map Parcel S14000028001, shall adhere to all applicable provisions of the Statesboro Zoning Ordinance not addresses herein, and the general requirements contained within this defining narrative. Where the general requirements of this Planned Unit Development conflict with the provisions of the *Statesboro Zoning Ordinance* and other applicable chapters of City Code, the more stringent shall apply. Where particular development regulations are not addresses herein, the General Provisions of the Statesboro Code of Ordinances shall apply.

A. **Administration:** In addition to the provisions of Article XVII (Administration) of the Statesboro Zoning Ordinance, the following shall be applicable to the subject property.

1. The Director of Planning and Development shall have the duty and power to administer the provisions of RZ 12-06-04 unless otherwise provided. Where referenced herein, the term “Director of Planning and Development” may also include her/his designee.
2. The City Engineer shall have those specific and necessary duties and powers referenced herein to administer the provisions of RZ 12-06-04. Where referenced herein, the term “City Engineer” may also include her/his designee.
3. *Minor Amendments.* In addition to the provisions of Article XIV (Planned Unit Development District), the Director of Planning and Development shall have the authority to approve minor amendments to the PUD District created by action of the Statesboro City Council for RZ 12-06-04. Minor amendments shall not include changes that intensify the use of the property as otherwise permitted in the Single Family Residential Districts, or changes that conflict with the requirements listed herein as determined by the Director. Where the Director of Planning and Development determines that a proposed amendment to PUD cannot be classified as “minor” in nature, such amendments shall be deemed as major amendments and will require the submittal of a zoning map amendment by the applicant consistent with the provisions of Article XX (Amendments) of the *Statesboro Zoning Ordinance*.
4. *Major Amendments.* Deemed a deviation of more than twenty percent (20%) from the standard, or any other deviation, that the Director of Planning and Development feels exceeds the scope of approval of City Council.
5. *Permits/Subdivision.* A major subdivision plat shall be approved by the City of Statesboro and shall be recorded by subdividing the parcels subject to RZ 12-06-04 prior to the approval of any building permits for this site.

B. **Land Uses:**

1. *Permitted Uses.* Single family residential structures. All structures must be constructed of a wooden frame.

C. **Area, Width and Yard Regulations:**

1. *Lot Area and Width.* A minimum lot area of 4,000 square feet shall be provided for every parcel dedicated to use for a building hereafter erected, altered or used in whole or in part as a dwelling.
2. *Front Yard.* There shall be a front yard on each lot which shall not be less than five (5) feet in depth from the property line.
3. *Side Yards.* There shall be two side yards, each having a width of not less than six (6) feet.
4. *Rear Yard.* There shall be a rear yard in each lot the depth of which shall not be less than twelve (12) feet, except that an accessory use structure may be erected within the rear yard not closer than five (5) feet to the rear property line.
5. *Distance between Buildings:* There shall be a distance of at least twelve feet (12’) between any buildings.

6. *Building Coverage*: Not more than sixty five percent (65%) of any lot shall be occupied by buildings.

D. General Provisions:

1. In addition to the provisions of Article XXII (General Provisions), each single family detached dwelling shall be at least 1,000 square feet in minimum size (heated space).

E. Buffers:

In addition to the provisions of Article XXIII (Buffer Requirements), City Council may decide whether the subject property shall implement one (1) or all of the following along Zetterower Road:

1. *Landscape Buffer Strip*. A strip at least ten (10) feet wide, densely planted with shrubs and/or trees at least six (6) feet high at the time of planting, of a type that will possess growth characteristics of such a nature as to produce a dense, compact evergreen planting.
2. *Landscape Buffer Wall*. A buffer strip, containing an opaque wall or barrier or uniformly painted fence at least six (6) feet in height. The buffer strip shall have landscape plantings on the exterior side of the wall and shall be planted with appropriate trees, shrubs, and groundcover as to provide a transition from the wall to both edges of the buffer strip.

F. Subdivision Regulations - Streets:

In addition to Appendix B (Subdivision Regulations), the following shall be applicable to the subject property subject to the City Engineer's approval:

1. *Street Right-of-Way Widths*. Section 4.3(13) states that the minimum street right-of-way widths shall be sixty (60) feet for a two (2) lane local street. The subject property of RZ 12-06-04 shall provide at least a forty (40) foot right-of-way to be deeded to the City comprised of the following:
 - Minimum width of twenty (20) feet of pavement.
 - Minimum width of four (4) feet of sidewalk on each side of the right of way rather than the required five (5) feet required by Section 4.3(20). Sidewalks must comply with ADA standards.

Note: The City of Statesboro Right-of-Way does not include parking spaces. All cars must remain parked off of the Right-of-Way.

2. *Utility Easements*. Section 4.3(18) states easements having a minimum width of twenty (20) feet located along the side or rear lot lines shall be provided for utility lines and underground mains and cables. The subject property of RZ 12-06-04 shall be exempt from this provision.
3. Storm water detention related structures/facilities located outside of the City of Statesboro's street rights of way will not be the responsibility of the City to maintain.
4. All infrastructure standards stated in the City of Statesboro Subdivision Regulations must be adhered to unless specifically noted otherwise by Mayor and City Council.

EXHIBIT B: LOCATION MAP



EXHIBIT C: SKETCH PLAN

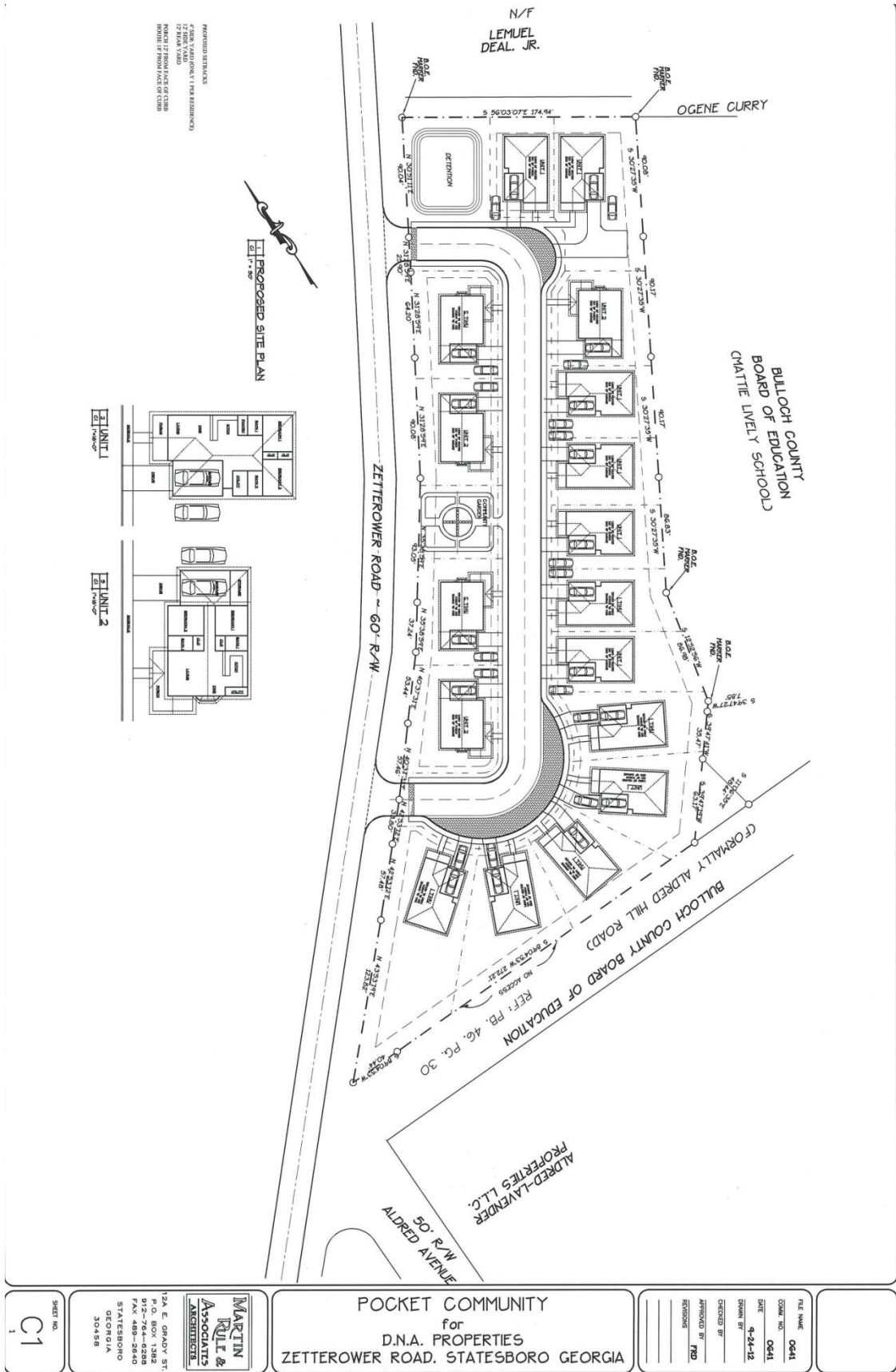


EXHIBIT D: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: The Subject Property from Zetterower Road.



Figure 2: Subject Property.

EXHIBIT D: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 4: Residential Homes and Daycare across Zetterower Road from the Subject Property.



Figure 5: Mattie Lively School and Bus Access Adjacent to the Subject Property.

EXHIBIT D: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 6: Subject Property from Mattie Lively School.



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

» (912) 764-0630
 » (912) 764-0664 (Fax)

**V 12-09-02
 VARIANCE REQUEST
 686 BRANNEN STREET**

LOCATION: 686 Brannen Street

REQUEST: Variance from Section 1509 (Tables 2 and 5) regarding sign style and sign height in Sign District 3.

APPLICANT: Vaden Nissan or Statesboro, Inc.

OWNER(S): Statesboro Dealership Properties, LLC

LAND AREA: 12.56 acres

PARCEL TAX MAP #s: MS84000100016

COUNCIL DISTRICT: District 5 (Chance)



PROPOSAL:

The applicant is requesting a variance from Section 1509B (Table 2) which requires monument style freestanding signs and Section 1509C (Table 5) which restricts maximum freestanding sign height to eight feet (8') for property located at 686 Brannen Street, defined as Sign District 3 by Article XV (Signs) of the *Statesboro Zoning Ordinance*. (See **Exhibit C** for table) The applicant wishes to move the two (2) freestanding signs that do not meet the provisions of the Ordinance from the original Vaden Nissan site on South Main Street to this location. Both signs were permitted by grant of a variance by Mayor and City Council in 2000 to locate at the existing location on South Main Street. Both the South Main Street and the Brannen Street locations are classified as being in Sign District 3. One of the aforementioned signs is a stanchion style sign with a height of twenty four feet (24'), while the other is a monument style sign with a height of thirty five feet (35'). (See **Exhibit A** – Location Map & **Exhibit B** – Sign Rendering)

BACKGROUND:

The subject site is currently zoned CR (Commercial Retail) with a Special Exception granted by Mayor and City Council on October 4, 2011 to allow for the use of the property as auto sales.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	CR (Commercial Retail)	Retail and Food Services
SOUTH:	R15 (Single Family Residential)	Undeveloped
EAST:	CR (Commercial Retail)	Retail and Food Services
WEST	CR (Commercial Retail)	Retail and Food Services

The subject property is located in a primarily commercial use area with the property's northern, eastern, and western property lines surrounded by parcels zoned CR (Commercial Retail) and include a mix of restaurants and retail sale sites, including Wal-Mart, Statesboro Mall, Gentilly Square, and Statesboro Crossing. The southern parcels are zoned R15 (Single Family Residential) but remain vacant and undeveloped. (See **Exhibit E**)

COMPREHENSIVE PLAN:

The subject site lies within the "Activity Centers" character area as identified by the City of Statesboro Future Development Map within the *City of Statesboro Comprehensive Plan*. The "Activity Centers" character areas are identified as areas that incorporate (or will incorporate) a wide range of land uses, but have historically developed in a manner that is auto-oriented with an abundance of large surface parking lots. The long-term development pattern preferred for Activity Centers is to incorporate features that mitigate these expanses of surface parking by incorporating new landscaping, framing parking areas with street-oriented infill construction, and including features that support other transportation options.

The *Statesboro Comprehensive Plan* also lists strategies which should be considered throughout the city, regardless of character area. One of those strategies is to reduce visual clutter of signs by incorporating uniform design features. Additionally, the *Statesboro Comprehensive Plan* indicates that "development decisions should be fair and predictable, relying on well-crafted development regulations."

As illustrated in the *Comprehensive Plan*, the recently permitted retail use in this area is favorable. Allowing this property to increase sign height rather than allowing additional smaller signs contributes to the reduction of visual clutter.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject site is currently served by city utilities including water and sewer, sanitation, and public safety services. No significant impact is expected on community facilities as a result of this request. Frontage and physical access is granted to the site by Brannen and the forthcoming street currently being constructed by the applicant for dedication as public right of way.

ENVIRONMENTAL:

The subject property does contain wetlands and is located in a special flood hazard area; however, all environmental issues related to the development of the property have been addressed during the standard permitting and inspection procedures. This request is not expected to have any impact on the wetlands.

ANALYSIS:

The subject site is located in Sign District 3 and is currently zoned CR (Commercial Retail) with a Special Exception granted by Mayor and City Council on October 4, 2011 to allow for the use of the property as auto sales. Since then, the property has been cleared and construction began with anticipation to begin operations within the next month. The applicant is requesting to move two (2) existing freestanding signs from the original Vaden Nissan site at 807 South Main Street to this location. Such action necessitates a variance from Section 1509B (Table 2) which requires a monument style sign and Section 1509C (Table 3) which restricts maximum height of freestanding signs to eight feet (8') for signs in Sign District 3.

The *Statesboro Zoning Ordinance* lists regulations for erecting signs within the City of Statesboro by grouping areas into Sign Districts. This property is located in Sign District 3 which generally requires monumental signs limited to eight feet (8') in height, limiting one freestanding style sign to each road frontage per parcel. In making this dimensional restriction on signage, the ordinance does not consider the physical dimensions and characteristics of the parcel (lot size) or the building coverage of the site.

The original Vaden Nissan located at 807 South Main Street also falls within Sign District 3. (See **Exhibit C** for table) Both proposed signs are currently at 807 South Main Street. Although these signs do not meet the provisions of the ordinance if erected presently, both were deemed compatible in Sign District 3 by issuance of a variance by Mayor and City Council in 2000. The applicant wishes to simply relocate the approved signage to the newly constructed location at Brannen Street. Article XV of the *Statesboro Zoning Ordinance* defines a monument sign as "a freestanding sign which forms a solid structure from the ground to the top of the sign." The applicant is requesting to relocate one (1) monument style sign with a height of thirty five feet (35') and an additional stanchion style sign twenty four feet (24') in height to this location.

The subject site on Brannen Street contains uneven topography and makes the business virtually invisible from Veterans Memorial Bypass which serves as an access corridor. Many of the surrounding developments have historically been permitted for taller signs due to the visibility and topography issues from the Bypass, including the recently granted Steak N Shake restaurant, the old Carey Hilliards restaurant, and the adjacent Statesboro Crossing Development whose freestanding sign is permitted at a height of thirty one feet (31') - just four feet (4') shy of this request. The subject site is anticipated to be interconnected with Statesboro Crossing in the future, making most signs in the area uniform in nature.

Section 1503(G), as amended effective July 1, 2009, states that no variances shall be permitted from the terms of Article XV regarding signs in the *Statesboro Zoning Ordinance*. It continues to states that “specifically, no variances under Article XVIII (regarding consideration and approval of variances) of this ordinance shall be applicable to the standards contained within this Article [XV].” However, Article XV regarding signs in part of the *Statesboro Zoning Ordinance*, which provides for the award of variances by the City Council from the zoning regulations stating that “approval of a variance must be in the public interest, the spirit of the ordinance must be observed, public safety and welfare secured, and substantial justice done” and Section 1801 states that the Mayor and Council [should] consider if the following are true in its consideration of a variance request:

- (1) There are special conditions pertaining to the land or structure in question because of its size, shape, topography, or other physical characteristic and that condition is not common to other land or buildings in the general vicinity or in the same zoning district;**
 - This subject site has uneven topography, making the site invisible from Veterans Memorial Bypass. Visibility from the Bypass is essential to inform traffic of the businesses existence. (See **Exhibit D**)
 - At 12.84 acres, this property is larger than the typical commercial site in Sign District 3.
 - Theoretically, if subdivided into smaller lots, one freestanding sign per lot could clutter the road frontage. As such, it may be more sensible to permit one taller sign rather than several smaller signs due to lot size to height ratio.
- (2) The special conditions and circumstances do not result from the actions of the applicant;**
 - This property has a low uneven topography in relation to Veterans Memorial Bypass. The topography is not the result of the applicant.
- (3) The application of the ordinance to this particular piece of property would create an unnecessary hardship; and**
 - Both proposed signs are designed to corporate standards.
 - Applying the ordinance to the proposed signs could, perhaps, drive away corporations who wish to locate within the City of Statesboro.
- (4) Relief, if granted, would not cause substantial detriment to the public good or impair the purposes and intent of the zoning regulations.**
 - This request, if granted, would not cause substantial detriment to the public good. This proposal would achieve the intent of the zoning regulations by reducing clutter of multiple small signs while granting visibility to the nearby access corridor.
 - Recent installation of traffic lights at this intersection should remedy any traffic concerns.
 - The preamble of Article XV (Signs) states that the intent of the sign ordinance is to avoid “the interference with the ability of property owners to enjoy or use their property without undue visual obstruction, distraction or hazard”.
 - Much of the commercial signage height and style in the immediate area is in line with the applicant’s request. For example, the recently issued Steak N Shake sign and the existing Moe’s, Statesboro Crossing, and BI-LO signs.

Given concerns that a staff denial to present an applicants’ variance request for a hearing and consideration before the governing body poses a potential violation of an applicants’ right to due process, the requested variance regarding sign style and height for Sign District 3 has been included in this report and presented for Council consideration despite Article XV’s stated prohibition against variances.

STAFF RECOMMENDATION:

Based on the factors of consideration for a variance given in Section 1801 and *the Comprehensive Plan*, staff recommends approval of the variance requested by V 12-09-02 with a sign height of thirty feet (30’) to provide consistency and compatibility with the commercial signage near the subject site.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission voted 4-1 to recommend approval of the Variance requested by Application V 12-09-02 with the requested maximum sign height of thirty five feet (35’). Commissioner Jeremy Ragan voted in opposition.

(Please note: Unless otherwise stated in any formal motion by City Council, staff considers the conceptual site plan (Exhibit B) submitted on behalf of the applicant for this request to be illustrative only. Approval of the application does not constitute approval of any final building or site plan).

EXHIBIT A: LOCATION MAP

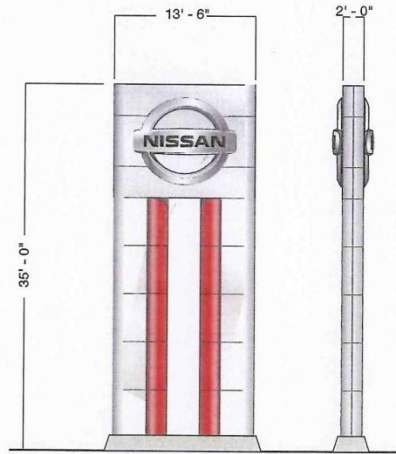


EXHIBIT B: SIGN RENDERINGS

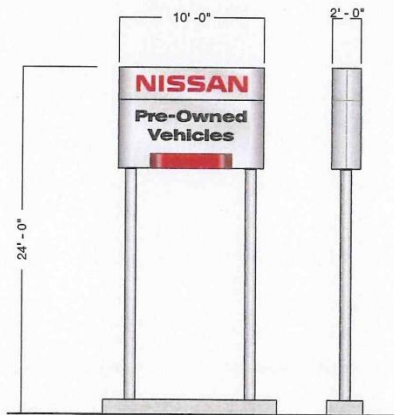
NISSAN NORTH AMERICA, INC.
Nissan Retail Environment Design Initiative
Sign Program



III. SCHEDULE OF SIGNS CONTINUED



A MBS-150 Pylon
150 Sq. Ft. Main Brand Sign (Total of 1) 35' OAH
RELOCATE



B POV-70 Pylon
70 Sq. Ft. Pre-Owned Vehicle Sign (Total of 1) 24' OAH
RELOCATE

Vaden Nissan of Statesboro
Statesboro, GA (5284)
08/07/2012
Initial

EXHIBIT C: PERMITTED SIGNS BY TYPE AND DISTRICT.

SIGN TYPE	SIGN DISTRICT 1			SIGN DISTRICTS 2 & 3	SIGN DISTRICT 4
	Residence on an individual lot	Residential development or subdivision	Nonresidential property		
FREESTANDING:					
Incidental	No permit needed	No permit needed	No permit needed	No permit needed	No permit needed
Billboard	Prohibited	Prohibited	Prohibited	Needs a permit in Area 2; Prohibited in Area 3	Prohibited
Monument	Prohibited	Needs a permit	Needs a permit	Needs a permit	Needs a permit
Stanchion	Prohibited	Prohibited	Prohibited	Needs a permit in Area 2; Prohibited in Area 3	Prohibited
Standard informational sign	No permit needed (Subject to provisions contained in Table 3)	Prohibited	Prohibited	Prohibited	Prohibited
BUILDING:					
Canopy	Prohibited	Prohibited	Prohibited	Needs a permit	Needs a permit
Incidental	Prohibited	No permit needed	No permit needed	Needs a permit	Needs a permit
Marquee	Prohibited	Prohibited	Prohibited	Needs a permit	Needs a permit
Projecting	Prohibited	Prohibited	Prohibited	Prohibited	Needs a permit
Roof*	Prohibited	Prohibited	Prohibited	Needs a permit*	Needs a permit*
Suspended	Prohibited	Prohibited	Prohibited	Prohibited	Needs a permit
Wall	Prohibited	Needs a permit	Needs a permit	Needs a permit	Needs a permit
Window	No permit needed	No permit needed	No permit needed	No permit needed	No permit needed
MISCELLANEOUS**:					
Banner	Prohibited	Needs a permit	Needs a permit	Needs a permit	Needs a permit
Flag***	No permit needed***	No permit needed***	No permit needed***	No permit needed***	No permit needed***
Portable****	Prohibited	Prohibited	Prohibited	Prohibited	No permit needed****

Temporary	Prohibited	Needs a permit	Needs a permit	Needs a permit	Needs a permit
-----------	------------	----------------	----------------	----------------	----------------

**Roof signs, where permitted, shall be subject to the provisions of section 1508 (8).*

***Signs listed as "miscellaneous" within this Table do not form part of the "aggregate sign area" for a parcel as defined in section 1501, or Tables 3, 4, 5 and 6 as provided within this article.*

****Flags shall be subject to the provisions of section 1506(A).*

*****Portable signs, where permitted, shall be subject to the provisions of section 1506(C).*

DIMENSIONAL STANDARDS

SIGN DISTRICT 3 (As defined in subsection 1509[A.3])	SIGN FOR AN INDIVIDUAL ESTABLISHMENT ON AN INDIVIDUAL LOT	MAJOR SIGN FOR PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT	BUSINESS SIGN FOR AN INDIVIDUAL ESTABLISHMENT, SHOP, ETC., WITHIN A PLANNED COMMERCIAL OR INDUSTRIAL CENTER OR DEVELOPMENT
AGGREGATE SIGN AREA*:			
1. Maximum Number of Total Square Feet (SF)	150 square feet including freestanding and building signs	Size is based upon the overall floor space of the center as follows: 0-50,000 sf = 100 sf > 50,000 sf = 150 sf	Not applicable
FREESTANDING SIGNS**:			
2. Freestanding Sign Maximum Square Feet	60 square feet	Varies per overall floor space of the center (See "Aggregate Sign Area" herein)	Not applicable
3. Maximum Height	8 feet	15 feet	Not applicable
4. Setback Requirement	5 feet from property line	5 feet from property line	Not applicable
5. Number of Signs Allowed	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two (2) such signs	One sign structure per road frontage not to exceed the maximum allowable square footage & a total of two (2) such signs	Not allowed
BUILDING SIGNS:			
1. Maximum Number of Total Square Feet	Wall length of 100 feet or less: 50 square feet. Wall length of greater than 100 feet: 100 square feet.	60 square feet	The greater of 60 sf or 5% of wall areas, allotted to the individual establishment
2. Maximum Height	Building elevation	Building elevation	Building elevation
3. Number of Building Signs Allowed***	One per elevation	One sign per common entrance	One per building elevation per tenant
<p><i>*As provided in Section 1501 and Table 2 herein, "aggregate sign area" includes all freestanding or building signs regardless of whether or not a permit for a particular type of sign is required.</i></p> <p><i>**Limited to monument and standard informational signs. Billboards and stanchion signs prohibited as provided in Table 2 herein.</i></p> <p><i>*** Two (2) per building elevation where one (1) sign is in the form of a canopy/awning, and where the cumulative square footage of both does not exceed the "maximum number of total square feet" for building signs.</i></p>			

EXHIBIT D: TOPOGRAPHY PROFILE OF SIGN TO BYPASS PROVIDED BY APPLICANT.

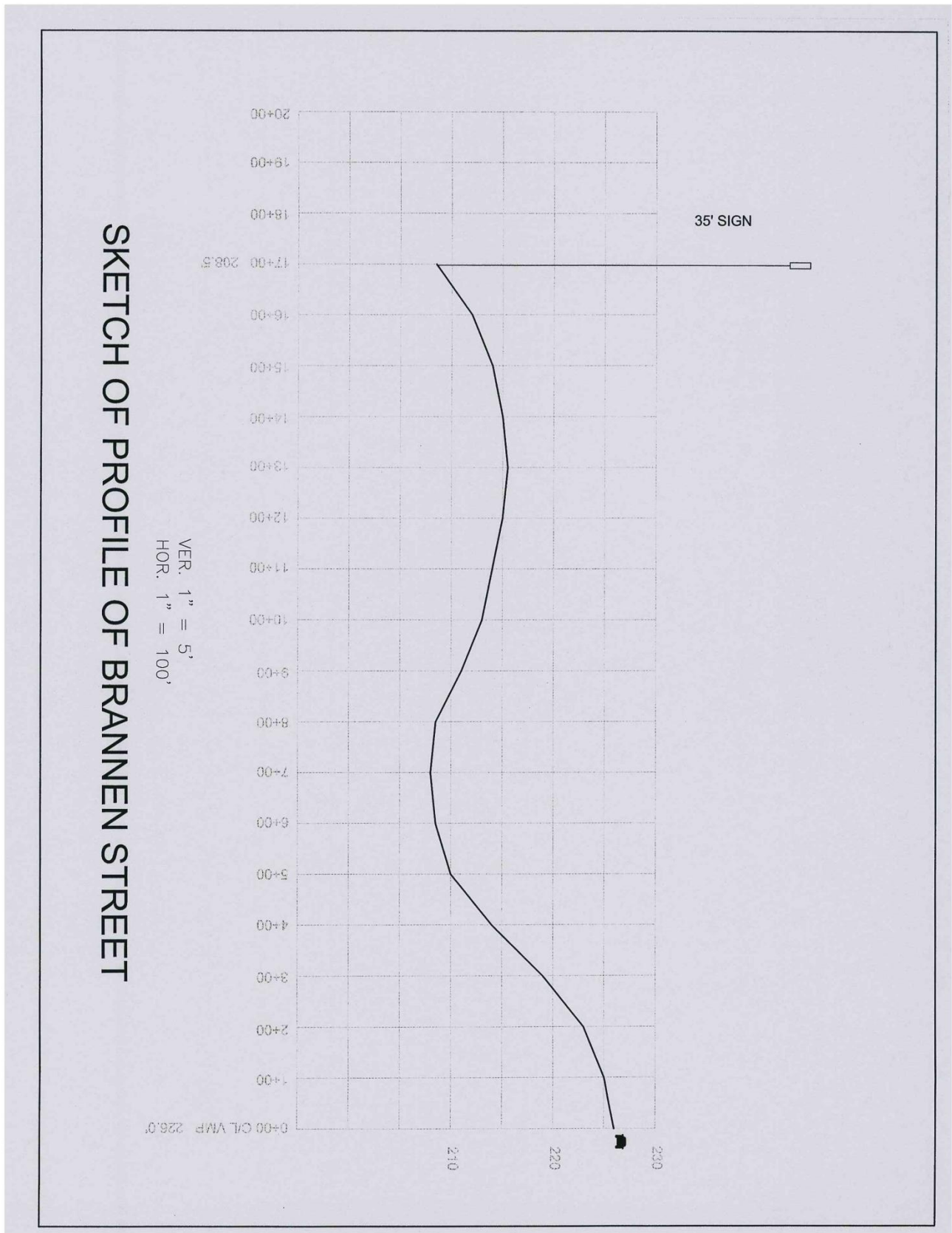


EXHIBIT E: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: Existing Signs at South Main Street Site to be relocated to Subject Site.



Figure 2: The Subject Property under Construction from Brannen Street.

EXHIBIT E: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 3: Statesboro Crossing & Bypass to the West of the Subject Property – Uneven Topography.



Figure 4: Adjacent Statesboro Crossing Sign (31' Tall).

EXHIBIT E: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 5: Moe's Stanchion Style Sign at 31' height on Brannen Street.



Figure 6: Bi-Lo's Stanchion Style Sign in Same Sign District as Subject Site – 30' Tall Sign.



City of Statesboro – Department of Community Development
DEVELOPMENT SERVICES REPORT

P.O. Box 348
 Statesboro, Georgia 30458

» (912) 764-0630
 » (912) 764-0664 (Fax)

**SE 12-09-03
 SPECIAL EXCEPTION REQUEST
 323 JOHNSON STREET**

LOCATION: 323 Johnson Street

REQUEST: Special Exception to allow a convenience store and restaurant in R8 (Single Family Residential) District.

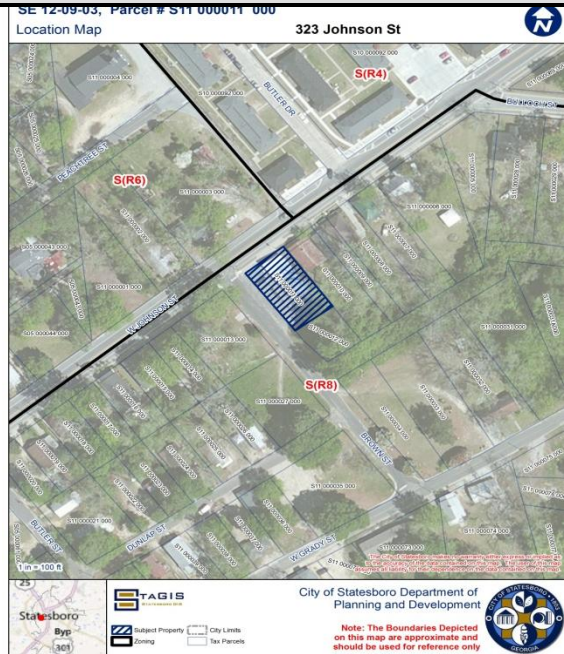
APPLICANT: Gracious Development, LLC

OWNER(S): Jerry's Enterprises, Inc.

LAND AREA: .16 acres

PARCEL TAX MAP #s: S11000011000

COUNCIL DISTRICT: 2 (Lewis)



PROPOSAL:

Gracious Development, LLC requests a Special Exception to allow for the utilization of the property located at 323 Johnson Street as a convenience store and restaurant and for the property to qualify for consideration for issuance of an alcohol license by the Mayor and City Council. The subject site is zoned R8 (Single Family Residential). The proposed uses and licenses are not permitted in the R8 (Single Family Residential) zoning district. (See **Exhibit A – Location Map**)

BACKGROUND:

The subject area is a .16 acre single lot located at 323 Johnson Street and is currently zoned R8 (Single Family Residential). The existing use of the property as a convenience store is the result of Council's decision in 1998 to grant a Conditional Use Variance to allow the property owner, Mr. Jerry Washington, to operate a convenience store at the location. City Council's grant of a Conditional Use Variance was personal to Mr. Washington and limited to use as a convenience store.

The uses proposed in this application are beyond the scope of City Council's previous approvals, both in use and licensees/applicants. It should be noted that the purpose of this application is to consider whether the land uses and licenses proposed at the site may qualify this applicant for a zoning recommendation of approval at the site for the requested uses and licenses. A grant of a Special Exception would not automatically qualify the property or the applicant for issuance of business license (Occupational Tax Certificate) or an alcoholic beverage license. Qualification for these matters and compliance with all other applicable portions of the *Statesboro Code of Ordinances* must be demonstrated in the appropriate processes.

SURROUNDING LAND USES/ZONING:

	ZONING:	LAND USE:
NORTH:	R6 (Single Family Residential), R4 (High Density Residential)	Single Family Homes and Government Housing

SOUTH:	R8 (Single Family Residential)	Single Family Homes
EAST:	R8 (Single Family Residential)	Single Family Homes
WEST	R8 (Single Family Residential)	Single Family Homes

The subject property is located in a residential area with the property's boundaries surrounded by single family homes and the Statesboro Housing Authority to the north. **(See Exhibit B)**

COMPREHENSIVE PLAN:

The subject site lies within the "Established" character area as identified by the City of Statesboro Future Development Map adopted by the *City of Statesboro Comprehensive Plan*. The "Established" character areas are identified as being traditionally residential in nature. Some neighborhoods within this character area are facing decline and issues with blight. Extra efforts should be made to return them to viable neighborhoods.

Neighborhood-scaled retail and commercial, small-scale office, neighborhood services, and small-lot single family residential are all appropriate land uses for properties within the Established character area. Some suggested development and implementation strategies for the area include the following:

- Ensure that new development and land uses do not encroach upon or detract from the character of the recognized National Historic Districts within this area.
- Provide support for the creation of neighborhood associations and provide continued support for these organizations once established through the development of initiatives to address unique neighborhood issues/characteristics.
- Strengthen enforcement of code violations for private property, including property maintenance, parking, and structural conditions.
- Add crosswalks and pedestrian signals along busy streets, including Johnson Street.

Statesboro Comprehensive Plan, Community Agenda pages 14-15.

As illustrated in the *Comprehensive Plan*, small-scale retail in this area is favorable. Utilizing the subject site in a less intensive retail manner contributes to the goals set forth in the implementation strategies. Careful attention should be paid to maintaining the residential neighborhoods while reasonably addressing code violations in this area.

COMMUNITY FACILITIES (EXCEPT TRANSPORTATION):

The subject site is currently served by city utilities including water, sewer, and public safety services. No significant impact is expected on utilities as a result of this request; however, the historical use of this property in a similar method proposed by this application has resulted in a significant use of public safety services.

ENVIRONMENTAL:

The subject property does not contain wetlands and is not located in a special flood hazard zone. There is no expected environmental impact associated with this request. Any potential issues will be brought forth and discussed during standard permitting and review procedures.

ANALYSIS:

I. Matters of a Special Exception:

The .16 acre site is currently zoned R8 (Single Family Residential). A Conditional Use Variance, currently referred to as Special Exception, was granted by the Statesboro Mayor and City Council in 1998 to Mr. Jerry Washington to allow the current use of the property as a convenience store. According to the Bulloch County Tax Assessor, Jerry's Enterprises, Inc. is listed as the property owner of the subject site; however, registration information with the Georgia Secretary of State shows that the aforementioned corporation was administratively dissolved on September 1, 2012.

Special Exceptions (sometimes referred to as Conditional Use Variance) allow for a land use that is inconsistent with uses permitted of right within a zoning district but which may be granted where requested uses may be deemed appropriate and compatible with the surrounding neighborhood. In this case, convenience stores, as well as the requested restaurant, are not uses permitted by right within the R8 (Single Family Residential) zoning district (such uses are restricted to the Commercial Retail zoning district), nor do properties in the R8 (Single Family Residential) zoning district qualify for issuance of an alcohol license. In addition, *Article XXIV* of the *Statesboro Zoning Ordinance* states that approval of a conditional use variance by the Mayor and Council does not constitute an approval for future expansions, additions or changes to the initially approved operation. Therefore, the proposed change of business

ownership with an increased intensity of use proposed by a restaurant use necessitates additional approval by the Mayor and Council. The applicant has filed an application for a Special Exception and is requesting that the subject site be utilized as a convenience store and restaurant and be qualified for zoning consideration for the issuance of an alcohol license - uses permitted by right within the CR (Commercial Retail) zoning district.

As grants of Special Exceptions are personal to the applicant and do not run with the land, staff must point out that the previous approval was issued to a different applicant than the applicant in this case. The 1998 Conditional Use Variance was granted to Mr. Jerry Washington. It is commonly understood that Mr. Washington is the owner of the property at the subject site and that he previously operated the convenience store permitted at the site. The Bulloch County Tax Assessor lists Jerry's Enterprises, Inc. as the owner - a Georgia corporation that was administratively dissolved on September 1, 2012. Mr. Washington was listed as the CEO, SEC, and Registered Agent for the corporation. The applicant in this case is Gracious Development, LLC. The articles of organization filed with the Georgia Secretary of State's Office filing lists Jerry Washington, Alexandria Fennell, and Anthony Fortunato as the organizers of the applicant LLC. Ms. Walden completed and filed this application and is serving as the City's contact person for this matter. Although Mr. Washington, the presumed property owner, is listed as an organizer for the LLC, he has not joined in the filing of the Special Exception License. Nor has he signed any of the business and alcoholic beverage licenses recently applied for at the site. Numerous attempts by staff to reach Mr. Washington to seek his signature and/or confirm his intent to join this application have been unsuccessful.

II. Land Use Considerations Regarding the Proposed Uses:

The applicant is proposing two (2) land uses at the subject site:

1. Convenience Store:

Convenience stores are a permissible use in commercial retail zoning districts. After the issuance of a Conditional Use Variance in 1998, the subject site has been utilized as a convenience store. The owner and operator, Mr. Washington, held both a business license and alcoholic beverage license for packaged sales until June 30, 2012. In September, 2012, a business license to operate as a convenience store was issued to Mr. Washington and Ms. Lanika Walden, an applicant in this matter.

2. Restaurant:

Like convenience stores, restaurants are restricted to commercial retail zoning districts. A restaurant use was not part of the original Conditional Use Variance approval nor the business license currently issued at the location. The request to add such use to the existing convenience store would intensify the utilization of the property. As a result, the addition of the proposed use may increase concerns for public safety, parking, and traffic. In addition, this type of business would be least likely to comply with regulations regarding packaged sales of alcoholic beverages.

III. Land Use Considerations Regarding Life Safety and Other Qualifications for an Alcoholic Beverage License:

Although alcoholic beverage licenses are not part of a Special Exception approval, the Planning & Development Department is charged with reviewing the proposed use complies with local and state regulations regarding proximity restrictions. Georgia State Statute regulates alcoholic beverages by two (2) classifications:

1. Consumption on Premises (or "pouring" sales) is defined as any person or business who sells distilled spirits (liquor), wine, or malt beverages by the drink only to consumers and not for resale.

O.C.G.A § 3-3-21 provides regulations regarding proximity restrictions of the sale of alcoholic beverages. One of those restrictions states that no person may sell any alcoholic beverages for **consumption on the premises** within **100 yards** of any housing authority property. This provision shall not apply at any location for which a new license is applied for if the sale of alcoholic beverages for consumption on the premises was lawful at such location at any time during the 12 months immediately preceding the application. The subject site is located approximately twenty two (22) yards from Statesboro Housing Authority.

Additionally, Article VII of the *Statesboro Municipal Code* states that any type of consumption on the premises license may be granted to one of two classifications:

A. **Restaurant** is defined as a business that contains one or more public dining rooms with permanent seating for at least twenty five (25) patrons with adequate and sanitary kitchen

facilities for staff to prepare, cook, and serve suitable food with at least fifty percent (50%) of its total sales being comprised of the sale of food.

- B. **Private Club** is defined as being a veteran organization, fraternal organization, or other nonprofit organization that has at least fifty (50) regular dues-paying members with a suitable kitchen and dining room with staff that prepares and serves meals for its guests.

A recent site visit indicated a floor plan at the site that does not contain permanent fixed seating for patrons nor a kitchen with appropriate equipment installed. The current business contains a minimal number of shelves reserved for convenience store type merchandise and an open floor with two (2) pool tables and several arcade machines. (See **Exhibit B**) It is staff's opinion that this business is not sufficient to be classified as a restaurant or a private club. Therefore, the site would not qualify for consideration of a consumption on premises (or "pouring") license due to proximity restrictions and classification.

2. **Packaged Sales** are defined as any person who sells alcoholic beverages in unbroken packages to be consumed off premises.

If a Special Exception is granted and the applicant wishes to apply for **packaged sales only**, the applicant may qualify for consideration for issuance of an alcoholic beverage license by the Mayor and City Council from a land use and proximity perspective due to regulations that state that the applicant may qualify if sales of such was lawful at such location at any time during 12 months immediately preceding the application. The subject site legally held an alcoholic beverage license for packaged sales from 2001 to June 30, 2012.

Section 2406 of the Statesboro Zoning Ordinance lists seven (7) factors that should be considered by Mayor and City Council "in determining compatibility" of the requested use with adjacent properties and the overall community as for considerations of Conditional Use Variances, or Special Exceptions as follows:

- A. **Adequate provision is made by the applicant to reduce any adverse environmental impact of the proposed use to an acceptable level.**
- B. **Vehicular traffic and pedestrian movement on adjacent streets will not be substantially hindered or endangered.**
- Traffic counts for the area and thereby relative to the subject site were 4,830 trips both ways for the year 2011. Although this business has been in existence for a number of years, the proposed use is being intensified which may cause an impact on vehicular traffic.
 - The *Statesboro Comprehensive Plan* encourages crosswalks and pedestrian signals particularly on Johnson Street. The subject site does not contain either of these recommendations.
 - The Statesboro Police Department has reported incidences of overcrowding on the subject site.
- C. **Off street parking and loading, and the entrances to and exits from such parking and loading, will be adequate in terms of location, amount, and design to serve the use.**
- Although the subject site has adequate parking for all proposed uses as required by Article XVI of the *Statesboro Zoning Ordinance*, the design of such with close proximity to an intersection may cause issues with an intensified use.
- D. **Public facilities and utilities are capable of adequately serving the proposed use.**
- Building Inspections by the Building Inspections Division (Building Official) have not been conducted but may be required if certain thresholds are surpassed.
- E. **The proposed use will not have significant adverse effect on the level of property values or the general character of the area.**
- This area is in dire need of attention due to issues of blight and criminal activity. The proposed use may not have an adverse effect on property values in the area; however, it is important that we consider ways to enhance property values and control violations in this neighborhood.
 - The Statesboro Police Department has reported criminal activity as recent as July, 2012 on the subject site. Such activities range from noise complaints and simple battery to possession of drugs. The management has been advised to keep alcohol out of the parking lot on several occasions.
 - Although the current business held a packaged alcoholic beverage license until June of 2012, there has been evidence of consumption on the premises for which licenses were not obtained.
- F. **Unless otherwise noted, the site plan submitted in support of an approved conditional use shall be considered part of the approval and must be followed.**
- A proposed site plan or floor plan was not submitted as part of this application process; therefore, we have no future site proposals to indicate whether a kitchen, dining facility, etc. will be added.
 - The Official Code of Georgia Annotated (OCGA) states that the Fire Inspector cannot approve a project of this nature until a registered architect designs and takes ownership such.

- The Statesboro Fire Inspector classifies the current use as a mercantile occupancy since they are only selling products and goods. The pool tables are considered to be accessories to the business. If the applicant requests an alcoholic beverage license to consume on premises, the classification would change from mercantile occupancy to assembly and all requirements must be met. According to the National Fire Protection Association (NFPA), an assembly classification requires that the business have two (2) exits within one hundred and fifty (150) feet of any point in the building. The subject site contains two (2) exits; however, the back exit may not be used as such if proposed to be a kitchen or contain pressurized boilers.
 - Site visits indicate that there is no dining facility with permanent seating for at least twenty five (25) patrons and no means of preparing meals with adequate and sanitary kitchen facilities at this time.
- G. Approval of a proposed use by the mayor and council does not constitute and [an] approval for future expansion of or additions or changes to the initially approved operation. Any future phases or changes that are considered significant by the planning commission and not included in the original approval are subject to the provisions of this section and the review of new detailed plans and reports for said alterations by the governing authority.**
- The existing business wishes to add a restaurant use and change ownership; thus, necessitating this request.

Additionally, § 2406 also requires consideration of the following factors given for standards for determination in a zoning change in “balancing the promotions of the public health, safety, morality [morals] and general welfare against the right of unrestricted use of property” given in § 2007 of the *Statesboro Zoning Ordinance*”:

1. Existing uses and zoning or [of] property nearby.
2. The extent to which property values are diminished by the particular zoning restrictions.
3. The extent to which the description of property values of the property owner promotes the health, safety, morals or general welfare of the public.
4. The relative gain to the public, as compared to the hardship imposed upon the property owner.
5. The suitability of the subject property for the zoned purposes.
6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property.
7. The extent the proposed change would impact population density in the area, community facilities, living conditions in the area, traffic patterns and congestion, environmental aspects, existing and future land use patterns, and property values in adjacent areas.

STAFF RECOMMENDATION:

The applicant's request for a Special Exception places several distinct questions before City Council for consideration and as a Special Exception is personal to the applicant, this becomes both a land use and applicant question. Noting, however, that any approvals granted herein does not remove the requirements of other provisions of the *Statesboro Municipal Ordinance*:

1. Whether the subject site should be granted a Special Exception to qualify the property's use as a convenience store by this application.
2. Whether the subject site should be granted a Special Exception to qualify the property's use as a restaurant by this application.
3. Whether the subject site should be granted a Special Exception to allow the property's use and application to qualify for an alcoholic beverage license regarding package sales.
4. Whether the subject site should be granted a Special Exception to allow the property's use and application to qualify for an alcoholic beverage license regarding a “pouring” license.

Based on the factors of consideration for Special Exceptions given in Section 2406 of the *Statesboro Zoning Ordinance*, the *Statesboro Comprehensive Plan*, and the *Statesboro Zoning Ordinance*'s purpose of promoting public health, safety, morals, and general welfare, it is the recommendation of the staff that if an approval of any of the requests contemplated herein be granted, the approval should be limited to an appropriate neighborhood scale retail use (convenience store) with the following conditions applied:

1. Use limited to a convenience store.
2. No zoning permission be granted for qualification of an alcoholic beverage license.
3. Any neighborhood commercial uses cease by 10:00 p.m.

PLANNING COMMISSION RECOMMENDATION:

Planning Commission voted 4-0 to recommend tabling the Special Exception requested by Application SE 12-09-03 until the landowner of the subject site consents to the request by endorsing the application. Commissioner Rick Barr stepped out of the room and was absent from voting.

EXHIBIT A: LOCATION MAP

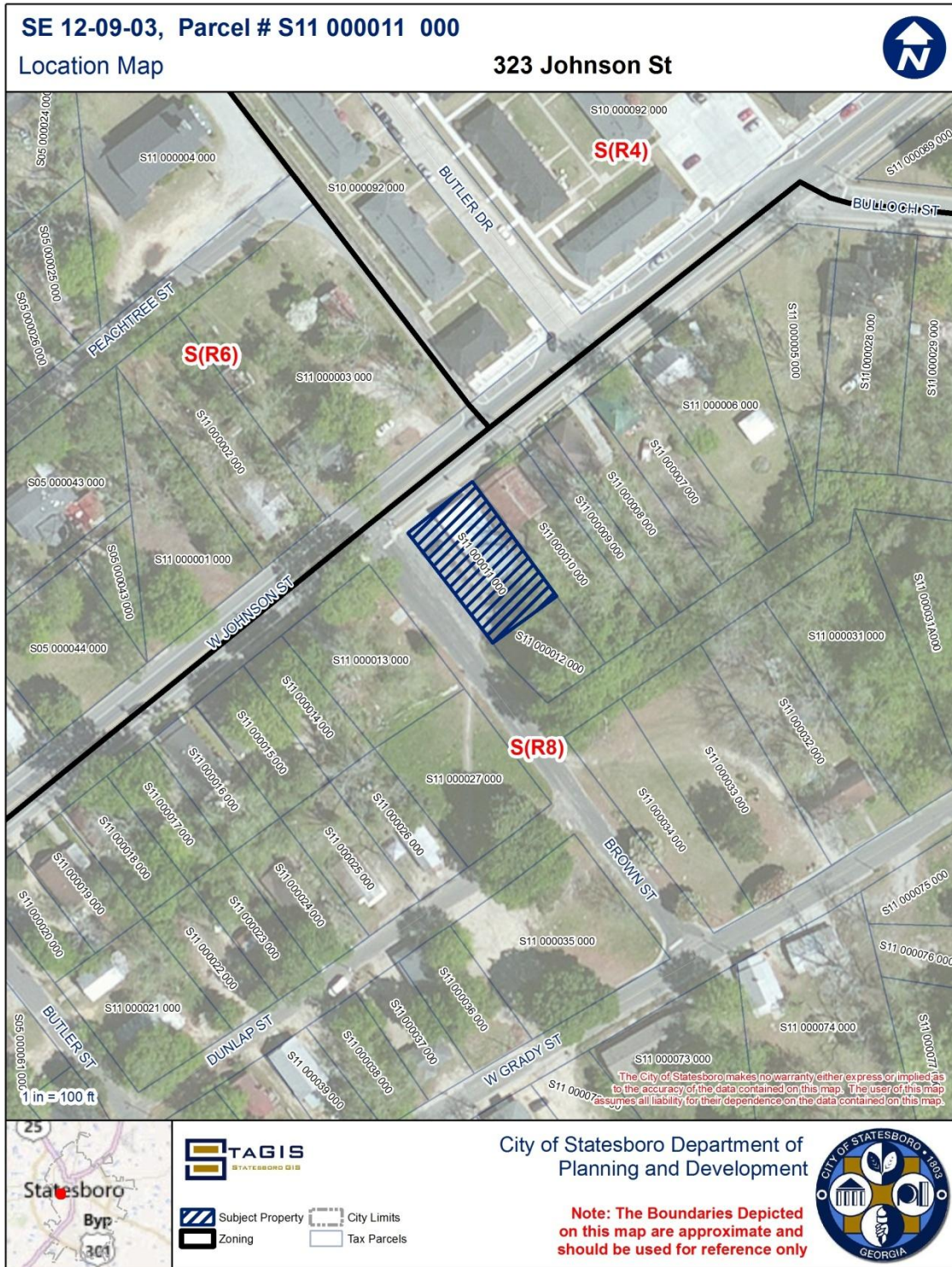


EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY.



Figure 1: The Subject Property from Johnson Street



Figure 2: Residential Home to the North of the Subject Site.

EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 3: Housing Authority from the Subject Site.



Figure 4: Pool Tables in Back Room.

EXHIBIT B: PHOTOS OF THE SUBJECT PROPERTY AND GENERAL VICINITY (CONT.).



Figure 5: Pool Table with Arcade Machines in back room.



Figure 6: Proposed Kitchen Area.